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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. The following sections of Part 24 are hereby revoked:

Section 24.7, *Graduate Nurse (Trainee)*; § 24.8, *Agronomist (Field Operations)*, P-1, *Soil Conservation Service* (This section is superseded by § 24.36 (a) (12), *Agronomist*); § 24.9, *Soil Scientist (Field Operations)*, P-1, *Soil Conservation Service* (This section is superseded by § 24.36 (a) (28), *Soil Scientist*); § 24.11, *Physical training, Veterans' Administration*; § 24.12 (c), *Teacher (academic subjects), Veterans' Administration Facilities*; § 24.12 (f), *Secondary school teacher, P-1, War Relocation Authority*; § 24.12 (g), *Elementary school teacher, SP-4, War Relocation Authority*; § 24.17, *Agronomist (Research)*, P-1, *Department of Agriculture, Bureau of Plant Industry* (This section is superseded by § 24.36 (a) (12), *Agronomist*); § 24.21, *Range conservationist (Ecology)*, P-1, *Department of Agriculture*; § 24.26, *Educational Retraining, Veterans' Administration*; § 24.36 (a) (2), *Physicist*; § 24.36 (a) (3), *Chemist*.

2. The following sections are amended as follows:

§ 24.6 *Graduate nurse, P-660, all grades*—(a) *Educational requirement.* Applicants must have successfully completed one of the following and must be registered as graduate nurses in a State or Territory of the United States, or in the District of Columbia:

(1) A full three-year course in residence in an approved school of nursing, which course must have included organized instruction and broad clinical practice in medical, surgical, pediatric, and obstetric nursing; or

(2) A full two-year course in residence in an approved school of nursing, plus additional appropriate nursing experience or pertinent education which, when combined with the two-year course in

nursing, will have included instruction and broad clinical practice in medical, surgical, pediatric, and obstetric nursing; will total three years of education and experience, and give the applicant the substantial equivalent of a complete three-year course in an approved school of nursing.

These requirements apply to all graduate nurse positions in the following and related services:

- (i) Hospitals (sometimes referred to as staff nurse, general duty nurse, or ward nurse).
- (ii) Clinics or dispensaries.
- (iii) Sanatoria.
- (iv) Infirmarys.
- (v) Rapid Treatment Centers.
- (vi) Emergency or health rooms in Government agencies.

(b) *Duties.* Appointees to these positions work under medical direction and under nursing supervision in rendering expert nursing care, both physical and mental, and in applying the social aspects of nursing as indicated to all types of patients. This includes planning daily schedules for care of patients; preparing for and administering prescribed therapeutic treatments and medications, including narcotics, their safekeeping and recording dosages; assisting physicians in examining patients, in treatments and diagnostic measures, in research in new drugs, in medical procedures and nutrition; observing and keeping accurate records of patients' conditions; meeting medical and surgical emergencies which arise in the absence of the physician and securing his services when necessary; supervising and instructing nonprofessional groups in their assigned duties; instructing patients in personal hygiene; maintaining the unit and surrounding area in accordance with approved sanitary standards; instructing patients and families in care necessary after patient leaves the hospital; maintaining adequate supplies and caring for equipment in the unit and creating a pleasant and restful environment favorable to patients' recovery.

(c) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the performance of the duties described in paragraph

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FEDERAL REGISTER

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(b) of this section include thorough familiarity with the principles and techniques underlying the modern treatment and care of patients with all types of physical and mental conditions. The observation of symptoms, change in symptoms, reaction to prescribed therapeutic treatments and medications, and the accurate reporting to supervisors and medical staffs are necessary. Appointees must have some knowledge of biological and physical sciences including anatomy, physiology, microbiology, chemistry, and mathematics; social science including history, psychology, sociology and ethics; medical science including such subjects as pathology, pharmacology, therapeutics, and the various branches of clinical and preventive medicine; nursing and allied arts including personal hygiene, sanitation, house-keeping, nutrition, cookery, as well as nursing in its various clinical divisions. These arts require a mastery of certain techniques and knowledge of the principles underlying them. Some of these techniques must be developed to a high degree. This requires that the first year must be devoted to nursing arts courses supported by biological and physical sciences with less practice in the beginning until there are scientific principles to guide the student. The student must devote the second and third years to medical and surgical nursing and to special branches of nursing such as obstetric nursing, nursing of children, and other special branches of nursing.

(d) *Method of obtaining basic knowledge and training.* The technical knowledge required for the performance of these duties can be obtained only by attending and completing a full course in an approved school of nursing which includes instruction and broad clinical practice in medical, surgical, pediatric, and obstetric nursing under adequate educational direction.

§ 24.15 *Range conservationist, P-452-1—(a) Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree, with major study in agriculture, animal hus-

bandry, botany, forestry, science, or range management which has included the following courses:

One course in each of the following: Elementary surveying, plant ecology, plant physiology, soils, systematic botany, or plant taxonomy; three courses in each of the following groups: Animal husbandry (any combination of animal nutrition and feeding, breeds and breeding, livestock management, livestock production, market classes of livestock), agronomy, general botany, silviculture, forest management, wildlife management, or zoology; four courses in range management (any combination of range management, range utilization and maintenance, range plants, range history and laws; range or ranch economics, range surveys).

(2) A bachelor's degree from a college or university of recognized standing will be accepted as meeting the educational requirements for this position, provided that the study has included (i) a minimum of 20 semester hours in range management or plant ecology, or in a combination of these two subjects; or (ii) a minimum of 10 semester hours in a combination of these two subjects plus ten semester hours in any combination of animal husbandry, pasture management, botany, agronomy, or forestry; or (iii) courses as outlined in subparagraph (1) of this paragraph, in a college or university of recognized standing, consisting of lectures, recitations, and laboratory work, plus additional appropriate education or experience which, when combined with the courses as outlined in subparagraph (1) of this paragraph, will total four years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

(b) *Duties.* Range conservationists will assist in making range surveys, including the mapping and classification of forage types and determining their suitability for grazing use; assembling information on current range management practices, such as feed reserves available, present rates of stocking, and management practices being followed by farmers and ranchers; assisting in the development of detailed range conservation and management plans by calculating grazing capacities of range areas, preparing statements of management practices for inclusion in individual farm and range conservation plans; explaining management plans to farmers and ranchers; working with and assisting farmers and ranchers in establishing and maintaining range conservation and management practices; keeping records and making reports of work accomplished; and perform other related duties.

NOTE: The provisions of § 24.36 (c) and (d) are applicable to this section.

§ 24.16 *Social worker (psychiatric and medical) P-185-2 through 4—(a) Educational requirement.* Applicants must have completed, in a college, university, or school of social work of recognized standing, two courses in social case work theory and principles, one course in medical or psychiatric information, 500 hours of supervised field work in social case work, and six addi-

tional courses in any of the above or the following:

Child welfare, juvenile delinquency, probation and parole, social legislation, labor problems, social group work, community organization, public welfare administration, or social research. A year of study in an accredited school of social work will be accepted as meeting this requirement.

(b) *Duties.* Social workers (psychiatric and medical) deal with the social and emotional problems associated with illness, and especially those that hamper, defeat or prevent full benefit from medical care. Their contribution in treatment is provided through the means of case work which is based on wide knowledge and understanding of human problems and resources, plus very definite acquired ability in observation, investigation, evaluation, social diagnosis, and competence in planning and carrying through social treatment in its proper relation to the total treatment plan.

(c) *Knowledge and training requisite for performance of duties.* The social worker (psychiatric and medical) must have a knowledge of basic medical information, including symptoms of disease and accepted forms of treatment. Such a worker must have a knowledge of and skill and judgment in applying the principles and methods of social case work and in interpreting technical, medical, or psychiatric information in such a way as to make it intelligible to lay persons.

(d) *Method of obtaining basic knowledge and training.* The only method known to the Commission by which persons may obtain the basic knowledge required to perform adequately the duties of a social worker (psychiatric and medical) is through the completion of the study set forth in paragraph (a) of this section. In this study the student receives competent instruction in the technical and theoretical subjects that will have to be applied as a social worker. A definite part of this period is devoted to supervised practice in a controlled setting. During this field work period the student acquires ability in applying the skills and techniques necessary for dealing with people who may not be so adjusted as to conduct themselves in a socially acceptable manner. This necessitates the development of a concept of acceptance of individuals, a recognition of their rights, and of their potentialities for change. The student works in a social welfare or health agency of acceptable standards, with a limited number of selected cases; is trained in techniques or psychiatric interviewing and social case recording; participates in case conferences with psychiatrists, psychologists, and highly skilled social workers; and throughout the period works directly under a case work supervisor especially selected by the school. The scientific knowledge and skill obtained cannot be acquired by individual home study because the necessary facilities and supervision are not available. Requisite studies represent information from such a variety of fields that an individual cannot cover the material except through the careful correlation of directed classroom study and reading with the supervised field work.

§ 24.19 *Forester (forest, P-438-1; range, P-452-1)*—(a) *Educational requirement.* (1) Applicants for the forest option must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in forestry, science, wildlife management, or range management which has included the following courses:

One course in each of the following groups: Dendrology or taxonomic botany; forest ecology, silvics, or plant physiology; range management or wildlife management; soil science, forest soils, or geology; two courses in each of the following groups: Forest economics, forest finance, forest valuation, forest history, policy or law; plane surveying and mapping, topographic surveying and mapping, or forest improvements; three courses in each of the following groups: Forest entomology, forest pathology, or forest fire protection; wood technology and forest utilization (courses such as logging, forest products, pulp and paper, milling, and wood preservation will also be accepted as courses in wood technology and forest utilization; however, not more than one course in chemical wood utilization or wood preservation will be accepted); five courses in any combination of the following: Forest mensuration, silviculture, forest planting, or forest management. A bachelor's degree in forestry from a college or university of recognized standing will be accepted as meeting the educational requirements for this position.

(ii) Courses in forestry as listed in subdivision (i) of this subparagraph, in a college or university of recognized standing, consisting of lectures, recitations, and laboratory work, plus additional appropriate experience and education which, when combined with the courses in forestry as listed in subdivision (i) of this subparagraph, will total four years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

(2) Applicants for the range option must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree, with major work in forestry, including 15 semester hours of study in range management or plant ecology, or a combination of these two subjects.

(ii) Courses, in a college or university of recognized standing, consisting of lectures, recitations, and laboratory work totaling 30 semester hours in basic forestry subjects and 15 semester hours in range management or plant ecology, or a combination of these two subjects, plus additional appropriate experience or education which, when combined with these courses, will total four years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

(b) *Duties.* Foresters will assist in the activities shown below under the appropriate option:

(1) *Forest.* Designating and scaling timber for sale; nursery and planting projects; fire, insect, and disease protec-

tion; silvicultural treatment; forest recreation administration; wildlife management; ranger district administration; research in forest management, forest products, forest influences, range management, and forest economics; cruising and mapping timberland; construction of roads and trails, and other engineering work.

(2) *Range.* Range reconnaissance and survey; range management and general development; ranger district administration; wildlife management; research in range management, reseeding, forest management, ecology, forest protection, watershed protection and range economics.

(c) *Knowledge and training requisite for performance of duties.* The Forest Service carries on specialized technical research for the whole field of forestry, not only on the national forests but also on land administered by other government agencies and on private land under a large and diversified ownership. The professional forester, therefore, must be trained to perform skilled duties of a professional and scientific nature in managing and caring for forest areas. He must be able to diagnose and prescribe for the numerous diseases peculiar to forest trees, and to identify and eradicate the various insect pests, rodents, etc., in his area. Forest fires are such a universal threat to the forests of the country that special training in the principles governing their inception, spread, detection, and control is essential to professional status as a forester. Inasmuch as the national forests are valuable as grazing areas for livestock, and are also the home of vast numbers of wild game, the forester is concerned in the application of a number of separate but related sciences in the physical, biologic, and economic fields. Forest management embraces a body of scientific principles regarding plants and animals, and the factors influencing their existence, growth, and production. Therefore, knowledge requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which forestry is based, as well as intensive training in forestry itself.

(d) *Method of obtaining basic knowledge and training.* The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a forester is through the completion of the courses listed in paragraph (a) of this section. The student receives, in such courses, competent instructions in the technical and theoretical subjects that he will have to apply as a forester. Teaching staffs keep up-to-date on the most recent developments in their respective fields and are in position to give instruction in basic scientific principles of forestry which have been repeatedly tested and confirmed. The student has access to pertinent reference material, and works in well-equipped laboratories. The scientific information thus obtained cannot be secured by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progres-

sive courses of study designed to provide a comprehensive understanding of the subject.

In § 24.23 the headnote is amended to read "Clinical psychologist, P-182-0 (all grades)."

In § 24.27 the headnote is amended to read "Pharmacist, P-680-0 (all grades)".

§ 24.28 *Chemist, P-1 through P-8*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 30 semester hours; or

(2) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 30 semester hours, plus additional appropriate experience or education which, when combined with the 30 semester hours in chemistry, will total four years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subparagraph (1) or (2) of this paragraph, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition, any two of the following: (i) Advanced inorganic chemistry; (ii) biochemistry; (iii) organic chemistry; (iv) physical chemistry. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree in chemistry at a college or university of recognized standing.

For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties, certification may be restricted to those eligibles who show the successful completion of a full college education in chemistry in a college or university of recognized standing.

(b) *Duties.* The duties of the P-2 to P-8 chemist are: To perform, conduct, plan, or direct scientific investigative, developmental, or fundamental research work in one or more of the specialized fields of chemistry; to collect, examine, and interpret scientific data; to coordinate assignments and programs; to prepare budget estimates for specified research programs; and to perform related duties as assigned.

(1) Those positions in chemistry requiring, as a positive requirement, formal education to the extent only of 30 semester hours of college study in chemistry supplemented by appropriate experience or education are characterized as follows:

The solution of specific problems of limited scope which does not involve the application of all the principles of the scientific fields related to chemistry—in general, problems where a broad viewpoint or training is not necessarily required; conducting important chemical analyses of material; directing the standardization and testing of well-known types of equipment or instruments; developing modifications of

standard procedures, tests, techniques, etc.; making literature surveys of the field; and preparing, editing, and reviewing technical reports on the results of the work performed in the field of professional chemistry.

(2) Those positions requiring the successful completion of four years of college or university training in chemistry are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles, and terminology of chemistry and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex scientific laws and facts to the development of new processes, techniques, devices, or products.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures, and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of formalized training required for the successful performance of the duties described in subparagraph (b)

(1) of this section consists of the completion of 30 semester hours of study in chemistry in a college or university of recognized standing. This study represents essentially the fundamental body of knowledge of the science of chemistry. It includes courses in the principal fields of chemistry (analytical, inorganic, organic, and physical) which are required to furnish the basic knowledge for any type of professional work in chemistry. In addition, it is supplemented by laboratory training in the application of the scientific principles involving the use of apparatus and equipment, and skills essential to work in chemistry. A familiarity with scientific literature, especially the methods by which such literature is compiled, classified, indexed, and made available, is also a necessary part of such education. And finally, the training will include experience in preparing technical reports in which it is necessary to organize material logically, to make clear distinctions between theory and facts, to make precise and unambiguous statements, and to draw conclusions that are useful and fully warranted by experimental results.

The minimum amount of training required for the successful performance of the duties described in subparagraph (b)

(2) of this section is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 30 semester hours of study in chemistry. Such a college course consists of laboratory work (including the use of complex apparatus), lectures, recitations, seminars, and selected reading in chemistry and other fields given under competent instruction and guidance. Such a curriculum is planned and inte-

grated so as to provide a sound and comprehensive training, not only in chemistry but in related subjects such as physics, mathematics, biology, engineering, etc. Training in the fundamentals of other fields affords the necessary breadth of knowledge, as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledge, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(d) *Method of obtaining basic knowledge and training.* Paragraph (c) of this section contains statements of the minimum knowledge and training required to carry on successfully professional work in two broad areas in the field of chemistry. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule, and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(e) *Justification of educational requirement.* The world of today is conscious that it is living in an atomic age, and the people of the United States are aware of the urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, health, and general welfare. The Congress has given recognition to the vital necessity for such scientific research and developmental work and has authorized, through appropriations, the spending of large sums of money for varied and important programs. These programs are carried on by the various departments and agencies of the Federal Government, and have resulted in very notable achievements in scientific research during World War II.

The advances in the various sciences, during World War II, have been outstanding and of major importance. Particularly is this true of the field of chemistry in all of its branches, and further advances will depend on the number of highly qualified and properly trained chemists who are competent to explore the particular field in which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge, so that persons engaged in highly complicated scientific research in a specialized field of chemistry must of necessity possess the fundamental scientific knowledge characteristic of their own field and, in addition, that of certain allied fields, in order that they may successfully attack these complex problems with which they are faced.

Private industry doing research in chemistry has long recognized the necessity for broadly trained men for professional chemists' positions who are well-grounded in the fundamentals of the sciences involved. They are required to have education represented by at least the attainment of a bachelor's degree in the science, and in many instances, a doctor of philosophy degree with specialization in a particular field is demanded.

In § 24.32 the headnote is amended to read as follows: "Agricultural bacteriologist, P-418-2 and 3."

Section 24.36 (a) (9) is amended to read as follows:

§ 24.36 *Junior Professional Assistant—Educational requirements.* * * *

(9) *Statistician.* Statisticians will conduct elementary professional statistical research, including the use, under guidance, of technical statistical method; the initial appraisal of statistical measures; and the preparation and interpretation of tables, charts, and graphs.

Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree, in a college or university of recognized standing, with 20 semester hours in statistics; or 30 semester hours of college work consisting of a combination including six semester hours in statistics and 24 semester hours in any one or any combination of the following:

- (a) Economics.
- (b) Agricultural economics.
- (c) Sociology.
- (d) Political science.
- (e) Social service.
- (f) Education.
- (g) Psychology.
- (h) Home economics.
- (i) Biology.
- (j) Public health.
- (k) Agriculture.
- (l) Mathematics.
- (m) Engineering.
- (n) Physics.

(ii) Courses as given under (i) above, plus additional appropriate experience or education which, when combined with these courses, will total four years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

(20) *Farm management supervisor.* Farm management supervisors advise on or perform technical or other professional work in the field of farm management involving the extension of credit and the supervision of operators of family-type farms. The duties of this position require a practical working knowledge of the basic principles, concepts, and terminology of farm management, agricultural credit, and crop and livestock management.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in farm management; in other fields within agricultural economics; in agronomy, animal husbandry, agricultural engineering, horticulture, agricultural education; or in general agriculture; or

(ii) Courses in farm management or one of the other related agricultural sciences acceptable toward a degree in agriculture in a college or university of recognized standing, and consisting of lectures, recitations, and laboratory work, totaling at least 40 semester hours and including at least one course in farm management and the balance of the semester hours in at least three of the following groups:

- (a) Agricultural economics.
- (b) Soils.
- (c) Crops.
- (d) Animal, dairy, or poultry husbandry.
- (e) Feeds and feeding or animal nutrition.
- (f) Agricultural engineering.

plus additional appropriate experience or education which, when combined with the 40 semester hours of course work outlined above, will total four years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The headnote of § 24.48 is amended to read as follows: "Bacteriologist (medical), P-418-0 (all grades)."

The headnote to § 24.49 is amended to read "Serologist, P-418-0 (all grades)."

3. The following sections are added:

§ 24.50 *Forest ecologist, P-432-2 through 5*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, with major study in forestry or plant ecology, plus responsible and successful experience in research or technical work.

(b) *Duties.* Persons appointed as forest ecologists will perform such duties as making ecological studies of the relation of natural and planted vegetation to site factors; in connection with the artificial reproduction of forests, determining species to be utilized, spacing, and methods of planting best adapted to specific sites; conducting studies on the hybridizing of tree species, and the developing of superior strains of trees by selecting trees for cross pollination and laying out planting details. In all the grades and options of these positions the duties are essentially and preponderantly research in nature.

(c) *Knowledge and training requisite for performance of duties.* In order to perform the research duties involved, appointees must have had sound training in the basic sciences pertaining to the field of forestry. Because of the complexity of scientific knowledge, concepts, and specialized tools required for satisfactory achievement in modern forestry research, and because of the difficulty of acquiring proficiency in the field of forestry, the forest service needs for these positions personnel who have a sound fundamental knowledge of the science of forestry and the ability to apply this theoretical knowledge to the interpretation of data gathered in the field of forest research.

(d) *Method of obtaining basic knowledge and training.* The only method known to the Commission by which persons may obtain the essential basic knowledge is through the successful completion of appropriate college courses. The student receives in such courses competent instruction and guidance in

the technical and theoretical subjects that he will have to apply in the profession of forestry. He attends seminars and lectures, has access to scientific libraries, and works in well equipped laboratories provided by the forestry schools. In the forestry schools prevailing practices have undergone analysis and those found to be most effective have been organized into relevant courses of instruction. Through training in the forestry schools the student receives competent instruction in specialized fields, such as botany, ecology, forestry, pathology, silviculture, etc., and is expertly guided in his selection of readings from available literature, which is so voluminous that no individual could master it at random study. The required studies represent information from a variety of fields, and the student cannot cover the material except through supervised courses of study designed to provide a comprehensive understanding of the subject.

§ 24.51 *Forest pathologist, P-482-2 through 5*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, with major study in forestry or plant pathology, plus responsible and successful experience in research or technical work.

(b) *Duties.* Persons appointed as forest pathologists will perform such duties as conducting research on standing timber following logging scars; studying effects of various species of fungi on the deterioration of valuable timber species and estimating the amount of cull caused by each; making economic appraisal of the damage caused by logging scars. In all of the grades and options the duties are essentially and preponderantly research in nature.

(c) *Knowledge and training requisite for performance of duties.*

(d) *Method of obtaining basic knowledge and training.*

NOTE: The provisions of paragraphs (c) and (d) of § 24.50 are applicable to this section.

§ 24.52 *Forest products technologist, P-1390-2 through 6*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, with major study in forestry, chemistry, physics, wood technology, or wood utilization, plus responsible and successful experience in research or technical work.

(b) *Duties.* Persons appointed as forest products technologists will perform such duties as planning and carrying out experiments in the treatment of wood and wood products, both pressure and nonpressure, with chemicals, oils, etc., to protect them from decay and insect injury; developing and testing new methods of applying this preservative and adapting methods now in use or new methods to commercial and farm use; investigating the effectiveness of new preservatives and determining the most suitable methods of application; and developing and testing methods of determining the mechanical and physical properties of wood and wood products. In all the grades and options, the duties

are essentially and preponderantly research in nature.

(c) *Knowledge and training requisite for performance of duties.*

(d) *Method of obtaining basic knowledge and training.*

NOTE: The provisions of paragraphs (c) and (d) of § 24.50 are applicable to this section.

§ 24.53 *Forest soils technologist, P-1390-2 through 5*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, with major study in soils, agronomy, forestry, or chemistry, plus responsible and successful experience in research or technical work.

(b) *Duties.* Persons appointed as forest soils technologists will perform such duties as planning and conducting experiments for determining the effects of climatic factors, plant cover, and cultural works upon physical and chemical characteristics of the soil, soil-moisture relations, and soil building and depletion rates; determining and classifying various portions of experimental areas as to soil structure, porosity, plasticity, organic and colloidal matter; analyzing the relations of the several soil layers to root development, soil temperature, infiltration capacity. In all the grades and options, the duties are essentially and preponderantly research in nature.

(c) *Knowledge and training requisite for performance of duties.*

(d) *Method of obtaining basic knowledge and training.*

NOTE: The provisions of paragraphs (c) and (d) of § 24.50 are applicable to this section.

§ 24.54 *Forester (forest management), P-438-2 through 6*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, with major study in forestry, plus responsible and successful experience in research or technical work.

(b) *Duties.* Persons appointed as foresters (forest management) will perform such duties as planning and conducting research on the development of methods for measuring and predicting stand and tree growth in terms of the volume of various types of products, such as logs, posts, poles, cordwood, and similar products; developing improved methods of measuring the yield of forest crops in terms of a wide variety of products; and developing suitable methods to predict and measure accurately, at the lowest cost, the growth, yield, and volume of forest crops. In all grades and options the duties are essentially and preponderantly research in nature.

(c) *Knowledge and training requisite for performance of duties.*

(d) *Method of obtaining basic knowledge and training.*

NOTE: The provisions of paragraphs (c) and (d) of § 24.50 are applicable to this section.

§ 24.55 *Range ecologist, P-452-2 through 5*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, with major study in plant ecology, botany, range management, agronomy, or ani-

mal husbandry, plus responsible and successful experience in research or technical work.

(b) *Duties.* Persons appointed as range ecologists will perform such duties as planning and conducting research and investigations, primarily to ascertain ways and means of maintaining, improving, or reestablishing vegetation on range lands by improved range management methods; determining plants best suited to reseeding; developing reseeding and planting methods best adapted to range conditions in the area, and proper grazing management of reseeded stands. In all grades and options, the duties are essentially and preponderantly research in nature.

(c) *Knowledge and training requisite for performance of duties.*

(d) *Method of obtaining basic knowledge and training.*

NOTE: The provisions of paragraphs (c) and (d) of § 24.50 are applicable to this section.

§ 24.56 *Silviculturist, P-494-2 through 5—(a) Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, with major study in forestry, plus responsible and successful experience in research or technical work.

(b) *Duties.* Persons appointed as silviculturists will perform such duties as planning and conducting research on advanced and improved methods of management and operation for the forest conditions and types in the area; studying methods of silvicultural cutting that will result in satisfactory natural reproduction and growth of residual stands; studying methods of thinning, weeding, pruning, and controlling undesirable tree species and other vegetation by chemical and mechanical means, including fires. In all grades and options, the duties are essentially and preponderantly research in nature.

(c) *Knowledge and training requisite for performance of duties.*

(d) *Method of obtaining basic knowledge and training.*

NOTE: The provisions of paragraphs (c) and (d) of § 24.50 are applicable to this section.

§ 24.57 *Social worker (child welfare), P-185-2 and 3—(a) Educational requirement.* Applicants must have completed, in a college, university, or school of social work of recognized standing, two courses in social case work, theory and principles, 500 hours of supervised field work in social case work and six additional courses in any of the following: Child welfare, juvenile delinquency, probation and parole, psychiatric social work, medical social work, social legislation, labor problems, social group work, community organization, public welfare administration, or social research.

(b) *Duties.* Social workers (child welfare) assist children who are brought to the attention of child welfare agencies because of behavior problems, delinquency, neglect, or dependency. They make social studies of the child, his family, and community, working them out. Child welfare workers work with the

child, his family, and community forces in facilitating the adjustment of the child in his own home. When circumstances within the child, the home, or the community make it necessary for the child to leave his home, the child welfare worker interprets this to the child and his family in order to gain acceptance of a plan of foster care or group care, as the needs of the child indicate. After placement, work with the child and his family is continued and is directed toward a modification which will enable the child to return to his home and community.

(c) *Knowledge and training requisite for performance of duties.* Social workers (child welfare) must have skill in applying the principles and methods of social case work. They must be able to establish constructive relationships with children and adults under difficult circumstances and exercise judgment and skill in assisting them to use their capacities to the fullest extent. They must have an understanding of the meaning of behavior and a knowledge of personality problems. A good understanding of family relationships is required as is knowledge of the social, legal, and economic aspects of child placement.

(d) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a social worker (child welfare) is through training in social work. In such training, the student receives competent instruction in the technical subject which must be applied—social case work theory and principles, patterns and implications of behavior, and community forces as they affect individuals. In the field work experience where the student works in a social agency with a limited number of selected cases, theory and practice are integrated. The scientific knowledge and skill cannot be acquired by individual study because the necessary facilities and supervision are not available. Requisite studies represent information from such a variety of fields that an individual cannot cover the material except through the careful correlation of directed classroom study and reading with the supervised field work.

§ 24.58 *Educational specialist, Air University, Army Air Forces, Maxwell Field, Montgomery, Alabama, P-210-0 (all grades)—(a) Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, which has included or been supplemented by major study in education or in the particular field in which the duties as consultant or specialist are to be performed.

(b) *Duties.*

(c) *Knowledge and training requisite for performance of duties.*

(d) *Method of obtaining basic knowledge and training.*

NOTE: The provisions of § 24.4, *Consultant in education, all grades*, and § 24.18 (a), *Educational specialist, Office of Education*, are applicable to paragraphs (b), (c), and (d) of this section.

§ 24.59 *Educational consultant, Civil Aeronautics Administration, P-210-4*

and 5—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course of study in a college or university of recognized standing, including at least two courses in science, and, in addition, one year of graduate study, including at least two courses in school administration.

(b) *Duties.*

(c) *Knowledge and training requisite for performance of duties.*

(d) *Method of obtaining basic knowledge and training.*

NOTE: The provisions of § 24.4 are applicable to this section.

§ 24.60 *Archivist (positions involving specialized archival work of highly technical character), P-1110-2 through 6—*

(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, including or supplemented by 12 semester hours in United States History and 18 semester hours in any one or any combination of history, political science, sociology, economics, and public administration.

(b) *Duties.* Persons appointed to these positions will be responsible for reference services involving old documents; appraising the historical or research value of documents; consultative services to scholars; scholarly historical research of a different nature.

(c) *Knowledge and training requisite for performance of duties.* For the proficient performance of these specialized duties, the incumbent must have a good knowledge of the social sciences, particularly United States History.

(d) *Method of obtaining basic knowledge and training.* The knowledge and training required for the performance of the duties specified in paragraph (b) of this section can be obtained only by attending and completing courses in a recognized college or university.

§ 24.61 *Microbiologist, P-466-2 through 6 (positions involving highly technical research, design or development, or similar functions)—(a) Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, leading to a degree with major study in microbiology, bacteriology, biology, or biochemistry. This study must have included courses consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 20 semester hours in either microbiology or bacteriology or any combination of these; or any combination of microbiology, bacteriology, biology, and biochemistry totaling 20 semester hours which includes at least 10 semester hours in microbiology or bacteriology or in both.

(b) *Duties.* Appointees investigate the bacteriology of foods, including the categories of bacteria, molds, and fungi. Devise technical methods for preventing the spoilage of foods by microorganisms and conduct research to determine the fundamental microbiologic processes responsible for spoilage. Develop details of processing and storing foods which will prevent their bacteriologic contamination. Devise rapid methods of checking the rate of growth of such organisms in foods used by the Army, and incorpo-

rate these methods into bacteriologic techniques used in the field and overseas. Carry out microbiologic examination of typical samples of Army food that has been stored under diverse environmental conditions, and may appraise quality as well as nutritional value based on the findings. Keep informed on all phases of research in microbiology conducted under contract with academic institutions, and may advise concerning the initiation and continuation of microbiological research projects. Aid in applying to the planning of rations all technical information obtained from many organizations engaged in microbiologic and bacteriologic research.

(c) *Knowledge and training requisite for performance of duties.* The science of microbiology as the term is used in these requirements indicates the study and habits of bacteria, yeasts, and molds, and the effect of these organisms on food. Such study involves investigation of the physical and chemical changes that accompany the growth and development of the various species of bacteria, yeasts, and molds and therefore requires a basic knowledge of the related sciences of biology, chemistry, and physics. The laboratory techniques of these latter sciences, as well as those used in microbiological investigation, are necessary in order to solve the problems which arise. Ability to carry out basic research projects and thorough knowledge of recent advancements in the field of microbiology are required.

(d) *Method of obtaining basic knowledge and training.* The specialized and technical knowledge required for the successful performance of the duties listed above can be obtained only through attendance at a college or university of recognized standing which has the necessary competent instruction staff in these subjects and has the necessary laboratory facilities and library which are necessary for the acquisition of training in these subjects. It is recognized that, in specialized subjects such as microbiology, no other source of obtaining such basic information is available.

§ 24.62 *Nutritionist, P-454-3 through 6 (positions involving highly technical research, design or development, or similar functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course, in a college or university of recognized standing, leading to a degree, with major study in nutrition, biochemistry, or physiology. This study must have included courses in nutrition, biochemistry, or physiology consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 20 semester hours.

(b) *Duties.* Investigates the nutritional values of foods in relation to adequate rations for the armed services and for civilian feeding programs. In this connection may carry out, or supervise, work relating to the quantities of various nutrients found in foods, their summation and correspondence with the quantities required for the maintenance of health and efficiency. May be concerned with the food supply indigenous to foreign countries, and with devising feeding programs based on those and other sup-

plies. Conducts field tests of rations in order to determine their adequacy in various stages of development. Is closely informed on all phases of nutritional research conducted under contract with academic institutions, and may advise concerning the initiation and continuation of nutritional research projects. Aids in applying to the planning of rations all technical information obtained from many organizations engaged in nutritional, biochemical, and physiological research. May assist in instruction of students in appropriate subject.

(c) *Knowledge and training requisite for performance of duties.* These positions are characterized by investigation in the fields of nutrition, which subject is dependent upon the biochemical and physiological aspect of foods and their effects upon human beings and animals. Therefore, incumbents must possess a knowledge of either biochemistry, physiology, or nutrition. Further, incumbents must have aptitude for and training in the methods of original research, coupled with scientific curiosity, ability to carry on and discover new relationships between food and their components and animal organisms. In order to properly conduct such research it is necessary that applicants have a comprehensive basic science background in chemistry, mathematics, etc. They must also have specialized training or experience in either nutrition, biochemistry, or physiology.

(d) *Method of obtaining basic knowledge and training.* The field of nutrition is a highly specialized field which is dependent upon basic knowledge of biochemistry and physiology. In this highly specialized science it is impossible to acquire the necessary advance chemistry or physiology necessary for performance of these duties outside of an educational institution which gives special training in these sciences. The intricate and specialized nature of various knowledges required for these positions, the necessity for other basic sciences in conjunction with these sciences are such that it is universally recognized that they cannot be obtained outside the medium of formal education. Private industry, as well as educational institutions, usually requires much more than is hereby being requested. Very often such institutions require a doctor of philosophy degree. In view of this, it can be seen that the necessary specialized skills cannot be obtained except through an educational institution giving the specialized courses specified in the educational requirement.

§ 24.63 *Physiologist, P-414-4 through 6 (positions involving highly technical research, design or development, or similar functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course leading to a degree, with major study in physiology, in a college or university of recognized standing, with courses totaling at least 20 semester hours in physiology or any combination of biology or biochemistry which has included at least 10 semester hours in physiology.

(b) *Duties.* Conducts investigations on the physiologic effects of rations in various stages of development and makes

recommendations for future work on ration components based on such findings. May conduct such tests upon small selected groups within the laboratory and upon large groups of soldiers in the field, under a wide range of environmental circumstances. Plans and carries out various tests, experiments, and procedures designed to ascertain ways of improving current rations from the standpoint of the physiology of both the soldier and the civilian. Keeps informed on all phases of research projects. Aids in applying to the planning of rations all technical information obtained from many organizations engaged in physiological, biochemical, and nutritional research. May assist in instruction of students in appropriate subject.

(c) *Knowledge and training requisite for performance of duties.* In order that the appointee may successfully perform the duties of the position of physiologist, it is necessary that he have a basic knowledge in the physical and biological sciences and included therein, specifically, training in physiology. It is desirable also that the applicant have specific training or knowledge of biochemistry. The specific knowledges of physiology, biochemistry, and biology should be built upon a more generalized scientific basis of chemistry, mathematics, and physics. These appointees are required to perform research in physiology and as such should have the aptitude and training in the methods of original research coupled with the necessary curiosity and ability to discover new relationships in physiology. They must have a thorough knowledge of recent accomplishments in physiology and preferably in the related sciences of biochemistry or biology. They must have the ability to present clear and accurate reports of their scientific work. They must also possess the ability to plan, initiate, and supervise the carrying out of advanced physiological research projects.

(d) *Method of obtaining basic knowledge and training.* In view of the specialized aspects in the field of physiology, and the necessity that appointees have a basic background in sciences relating to physiology, such as biology, biochemistry, physics, and mathematics, the only method through which such knowledge and training can be acquired is by attending a college or university offering such subjects under competent instruction and guidance, and which has the necessary adequate laboratory facilities through which these knowledges may be acquired. It is well recognized that in many of the specialized sciences it practically is impossible to acquire necessary knowledges and techniques outside of an educational institution offering such training.

§ 24.64 *Aeronautical research scientist, P-803-2 through 8*—(a) *Educational requirement.* Applicants must have successfully completed a standard professional curriculum leading to a bachelor's degree in a college or university of recognized standing, with major study in an appropriate field of engineering, physical science, mathematics, or other field of science closely related to the duties of positions included in this examination.

(b) *Duties.* These positions cover a wide variety of professional aeronautical research work. Appointees may be required to make theoretical and experimental studies of the airflow in and about aircraft components at subsonic, transonic, and supersonic airspeeds; research in stress distribution and stability of shell-type structures; research work in instrumentation in a wide field covering a multitude of measurement problems arising in aeronautical research; suitability of special fuels for various types of heat engines; flight research, utilizing pilotless aircraft, such as guided missiles, to determine aerodynamic properties of aircraft and aircraft components in the supersonic and transonic speed range.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of training required for the successful performance of the duties described in paragraph (b) of this section is the completion of a standard professional curriculum leading to a bachelor's degree, with major study in an appropriate field. Such a curriculum is planned and integrated so as to provide sound and comprehensive training not only in the particular field, but in other related fields. Full recognition is also given to the training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely in both oral and written form.

(d) *Method of obtaining basic knowledge and training.* The only method by which the knowledge and training requisite to perform the duties set forth in paragraph (b) of this section can be acquired is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.65 *Highway engineer trainee, Public Roads Administration, Federal Works Agency, SP-810-4 and 5—(a) Educational requirement.* Applicants must have successfully completed two years for SP-4, and three years for SP-5, of a standard professional engineering curriculum leading to a bachelor's degree in an appropriate branch of engineering, in a college or university of recognized standing.

(b) *Duties.* The duties of an engineer trainee will consist of a combination of on-the-job training in one of the branches of engineering, and scholastic training in the last one or two years of a college engineering curriculum in a college or university designated by the particular agency. Upon successful completion of the program, trainees will be considered for advancement to the professional engineering service in the particular agency.

(c) *Justification for educational requirement.* Since the duties of the position are twofold—to perform actual engineering work while in training, and to pursue academic studies in the remaining years of a college engineering curriculum in order to attain the capacity

needed to perform successfully duties at the professional engineering level—applicants must have the education specified in order to be qualified to enroll in the third year for SP-4, and fourth year for SP-5, of a standard college engineering curriculum in a college or university designated by the agency.

§ 24.66 *Student aid, Potomac River Naval Command, Navy Department, and National Bureau of Standards, Department of Commerce, SP-810-5; SP-1370-5—(a) Educational requirement.* Applicants must have successfully completed, at a college or university of recognized standing, three years of a regular 4-year curriculum leading to a bachelor's degree, majoring in chemistry, mathematics, metallurgy, or physics or three years of a standard professional engineering curriculum leading to a bachelor's degree in one of the branches of engineering.

(b) *Duties.* The duties of a student aid consist of a combination of on-the-job training in one of the physical sciences, mathematics, or engineering and scholastic training in the last year of a college curriculum in a college or university of recognized standing designated by the employing agency. Upon successful completion of the program, trainees will be considered for advancement to the professional service in that agency.

(c) *Justification for educational requirement.* Since the duties of the position involve, in addition to actual scientific or engineering work while in training, the pursuance of academic studies of the last year of a college course in order to attain the capacity needed to perform successfully duties at the professional level, applicants must have the three years of educational specified in order to be qualified to enroll in the final year of a standard college curriculum in a college or university of recognized standing.

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-1099; Filed, Feb. 5, 1948; 9:00 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 51—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS PROMULGATED BY ALL PRODUCTION CREDIT CORPORATIONS

INTEREST RATES; INVESTMENTS

Section 51.5 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 51.5 *Interest rates.* The interest rate charged the borrowers shall be the rate prescribed by the corporation which shall be not less than 3 percent per annum nor more than 4 percent per annum above the discount rate of the Federal intermediate credit bank at the time the

loan or advance is made, unless a lower or a higher rate is prescribed by the corporation with the approval of the Production Credit Commissioner. Interest shall be charged on loans for the actual number of days that loans are outstanding. The number of days for which interest shall be charged shall be computed on the basis of 365 days for normal years and 366 days for leap years. (Sec. 23, 48 Stat. 261; 12 U. S. C. 1131g)

Part 51 of Title 6, Code of Federal Regulations, is amended by adding thereto new § 51.12 reading as follows:

§ 51.12 *Investments.* The funds of an association available for investment, including all sums in an association's guaranty fund, may be invested only in bonds or other obligations issued or fully guaranteed by the United States Government, except that investments of other types may be made with the prior approval of the corporation and the Farm Credit Administration. (Secs. 22, 23, 48 Stat. 261; 12 U. S. C. 1131f, 1131g)

Promulgated by all the production credit corporations with the approval of the Governor of the Farm Credit Administration.

[SEAL]

I. W. DUGGAN,
Governor.

FEBRUARY 2, 1948.

[F. R. Doc. 48-1086; Filed, Feb. 5, 1948; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS FOR THE 1948 AND SUCCEEDING CROP YEARS (YIELD INSURANCE)

Correction

In Federal Register Document 47-10675, appearing at page 8061 of the issue for Thursday, December 4, 1947, the last word of the first sentence of § 419.78, should read "incumbency" instead of "incompetency".

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR ANNUAL CONTRACTS COVERING THE 1948 CROP YEAR (DOLLAR COVERAGE INSURANCE)

Correction

In Federal Register Document 47-11313, appearing at page 8750 of the issue for Wednesday, December 24, 1947, paragraph (c) of § 415.2018 should read as follows:

(c) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

Chapter XXI—Organization, Functions and Procedures

Subchapter B—Staff and Service Offices

PART 2210—OFFICE FOR FOOD AND FEED CONSERVATION

SUBPART A—ORGANIZATION

- Sec.
2210.1 Central organization.
2210.2 Field organization.
2210.3 Public information, submittals and requests.

SUBPART B—FUNCTIONS AND PROCEDURES

AUTHORITY: §§ 2210.1 to 2210.3, inclusive, issued under sec. 3, 60 Stat. 238, Pub. Law 395, 80th Cong.; U. S. C. Sup. 1002; E. O. 9919, Jan. 3, 1948, 13 F. R. 59.

SUBPART A—ORGANIZATION

§ 2210.1 *Central organization.* (a) The Office for Food and Feed Conservation formulates and carries out a program for the conservation of food and feed through disseminating information as to ways and means that consumers, farmers, industrial users and other handlers of food and feed may help in alleviating shortages, and assist in stabilizing prices. In carrying out such a program the Secretary is authorized, through the dissemination of information, educational and other campaigns, furnishing of assistance, and such other voluntary and cooperative measures as he deems necessary or appropriate to encourage and promote the efficient utilization, care and preservation of food and feed, the elimination of practices which waste food and feed, the control and eradication of insects and rodents, the consumption of less of those foods and feeds which are in short supply, and more of those foods and feeds which are in abundant supply, and other conservation practices.

(b) The Office of the Director plans and directs a nation-wide program to promote the voluntary conservation of food and feed consistent with the policies and objectives thereof.

(c) The Consumers Activities Division serves as a focal point for the development and coordination of a comprehensive program for the promotion of food conservation practices as they relate to the consumption of food in the home and in public eating places.

(d) The Farm Activities Division serves as a focal point for the development and coordination of a comprehensive program for the promotion of food and feed conservation practices on the farm.

(e) The Industry Activities Division serves as a focal point for the development and coordination of a comprehensive program relating to the use of grain and other foods by distillers, brewers, millers, wet and dry processors, bakers, industrial food users, and other food and feed manufacturers and handlers.

§ 2210.2 *Field organization.* The Office for Food and Feed Conservation will have no field offices. It may use facilities of regularly established field offices of the Department of Agriculture, and other agencies in carrying out its operations.

§ 2210.3 *Public information, submittals and requests.* Various memoranda and publications will be prepared out-

lining ways and means of conserving, voluntarily, food and feed by farmers, consumers, industrial users of such products, and other handlers of food and feed products. This information will be disseminated through the media of radio, motion pictures, the press and by distribution through various other channels. Requests for information regarding the activities of this Office may be made of the Director, Office for Food and Feed Conservation, U. S. Department of Agriculture, Washington 25, D. C.

SUBPART B—FUNCTIONS AND PROCEDURES

The Office for Food and Feed Conservation is a staff agency and its procedures are matters of internal management.

Issued this 3d day of February 1948.

Effective as of December 30, 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-1127; Filed, Feb. 5, 1948;
9:00 a. m.]

TITLE 11—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—ORGANIZATION

GENERAL

- Sec.
1.1 Authority.
1.2 Purpose.
1.3 Programs.
1.4 Operations.
1.11 General outline of organization.
1.12 Committees.

COMMISSION HEADQUARTERS

- 1.21 The Commission.
1.22 Office of the General Manager.
1.23 Office of Assistant General Manager.
1.24 Program Council.
1.25 Division of Research.
1.26 Division of Engineering.
1.27 Division of Production.
1.28 Division of Military Application.
1.29 Division of Raw Materials.
1.30 Division of Biology and Medicine.
1.31 Office of Security and Intelligence.
1.32 Office of Organization and Personnel.
1.33 Office of Budgets.
1.34 Office of the Comptroller.
1.35 Office of the General Counsel.
1.36 Office of Public and Technical Information Service.
1.37 Office of Administrative Operations.
1.38 Secretary to the Commission.

OFFICERS OF DIRECTED OPERATIONS

- 1.41 Office of New York Directed Operations.
1.42 Office of Oak Ridge Directed Operations.
1.43 Office of Chicago Directed Operations.
1.44 Office of Hanford Directed Operations.
1.45 Office of Santa Fe Directed Operations.

AUTHORITY: §§ 1.1 to 1.45, inclusive, issued under secs. 3, 12, 60 Stat. 238, 244, 755; 5 U. S. C. Sup. 1002, 1011, 42 U. S. C. Sup. 1801 et seq.

GENERAL

§ 1.1 *Authority.* The Atomic Energy Commission was established by the Atomic Energy Act of 1946 (60 Stat. 755; 42 U. S. C. Sup. 1801 et seq.), approved August 1, 1946. Pursuant to section 9 (a) of the act, certain interests, property and facilities of the Government, including interests, property and facilities of the Manhattan Engineer District, were transferred to the Commission as of mid-

night, December 31, 1946, by Executive Order No. 9816 (12 F. R. 37).

§ 1.2 *Purpose.* It is the purpose of the Atomic Energy Act to effectuate the declared policy of the people of the United States that, subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace.

§ 1.3 *Programs.* The act provides for the following major programs relating to atomic energy:

(a) A program of assisting and fostering private research and development to encourage maximum scientific progress;

(b) A program for the control of scientific and technical information which will permit the dissemination of such information to encourage scientific progress, and for the sharing on a reciprocal basis of information concerning the practical industrial application of atomic energy as soon as effective and enforceable safeguards against its use for destructive purposes can be devised;

(c) A program of federally conducted research and development to assure the Government of adequate scientific and technical accomplishment;

(d) A program for Government control of the production, ownership, and use of fissionable material to assure the common defense and security and to insure the broadest possible exploitation of the fields; and

(e) A program of administration which will be consistent with the foregoing policies and with international arrangements made by the United States, and which will enable the Congress to be currently informed so as to take further legislative action as may hereafter be appropriate.

§ 1.4 *Operations.* The operations of the Commission are carried out largely by industrial concerns and by private and public institutions under contract with the Commission, in accordance with the requirements and policies established by the Commission pursuant to the Atomic Energy Act. Some of the principal production and research and development activities are conducted by contractors in facilities owned by the Commission. The principal production facilities owned by the Commission are located at Oak Ridge, Tennessee, and Hanford, Washington. The principal research and development facilities owned by the Commission are the Clinton National Laboratory at Oak Ridge, Tennessee; the Los Alamos Laboratory at Los Alamos, New Mexico; the Argonne National Laboratory at Chicago, Illinois; the Brookhaven National Laboratory at Upton, Long Island, New York; and the Knolls Atomic Power Laboratory at Schenectady, New York. The Brookhaven National Laboratory and the Knolls Atomic Power Laboratory are presently under construction.

§ 1.11 *General outline of organization.* This section outlines the principal elements of the Commission's organization, which is described in greater detail in §§ 1.21 through 1.45, inclusive.

(a) The Atomic Energy Commission has five Commissioners who confer and act as a body on important matters of policy, programs, and administration.

(b) The General Manager is the principal executive and administrative officer of the Commission.

(1) The General Manager is responsible to the Commission for the formulation of policies and programs by the Commission's six program Divisions. Four of the Divisions, i. e., the Divisions of Research, Production, Engineering, and Military Application, were provided by the Atomic Energy Act. The Division of Raw Materials and the Division of Biology and Medicine have been established by the Commission. The work of the six Divisions is coordinated by a Program Council, consisting of the General Manager, the Assistant General Manager, and the Directors of each of the Divisions.

(2) The General Manager also is assisted in his executive and administrative duties by the Assistant General Manager and by the Offices of Security and Intelligence, Organization and Personnel, Budgets, the Comptroller, the General Counsel, Public and Technical Information Service, and Administrative Operations.

(c) The executive and administrative functions of the General Manager have in large measure been delegated by the General Manager to Managers of Operations for New York, New York; Oak Ridge, Tennessee; Chicago, Illinois; Hanford, Washington; and Santa Fe, New Mexico. The Managers of Operations are authorized, within stated limits, to enter into contracts on behalf of the Commission, to act as representatives of the Commission for the administration of contracts executed under their authority or assigned to their offices, and to perform other special functions.

§ 1.12 *Committees.* The Atomic Energy Act provides for three permanent Committees. The General Advisory Committee, composed of nine members appointed from civilian life by the President, advises the Commission on scientific and technical matters relating to materials, production, research and development. The Military Liaison Committee consists of representatives of the National Defense Establishment, and at the present time has six members. The Commission advises and consults with the Military Liaison Committee on all atomic energy matters which the Committee deems to relate to military applications, including the development, manufacture, use and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Congressional Joint Committee on Atomic Energy, composed of nine members of the Senate and nine members of the House of Representatives, makes continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use,

and control of atomic energy. The Commission keeps the Joint Committee fully and currently informed on the activities of the Commission.

COMMISSION HEADQUARTERS

§ 1.21 *The Commission.* The five Commissioners are appointed by the President, by and with the advice and consent of the Senate. One member is designated by the President as Chairman. The term of office of each member of the Commission taking office prior to August 1, 1948 expires on August 1, 1948 (two years after the date of enactment of the act). The terms of the members first appointed after August 1, 1948 expire, as designated by the President at the time of appointment, one on August 1, 1949 and one on August 1 of each year thereafter, through 1953. After the expiration of each of these terms, a member is to be appointed for five years. Consequently, beginning with August 1, 1949, there will normally be one appointment each year. When vacancies occur by reason of any member's not serving out his appointed term, the appointment to fill the vacancy is for the remainder of the unexpired term. The Commissioners establish policies and programs pursuant to the provisions of the Atomic Energy Act, direct the administrative and executive functions of the Commission to be discharged by the General Manager, appoint the principal officers of the Commission's organization, and take such other action as may be required to effectuate the purposes and policies of the Atomic Energy Act.

§ 1.22 *Office of the General Manager.* The General Manager is appointed by the President by and with the advice and consent of the Senate. The Commission has authorized and directed the General Manager to discharge those executive and administrative functions of the Commission which may be necessary to carry out the provisions of the Atomic Energy Act of 1946. The General Manager is authorized to redelegate such authority in writing, with or without authority to make successive redelegations, and under such terms, conditions, and limitations as he may deem appropriate. He is assisted in his immediate office by an Assistant to the General Manager and a Special Assistant to the General Manager.

§ 1.23 *Office of Assistant General Manager.* The Assistant General Manager coordinates the activities and relationships among the Offices of Organization and Personnel, Budgets, the Comptroller, the General Counsel, Public and Technical Information Service, and Administrative Operations. He serves as a member of the Program Council to assure that program decisions are made with a full recognition of the management problems involved. He makes such management decisions on behalf of the General Manager as may be made without direct reference to the General Manager.

§ 1.24 *Program Council.* The Program Council consists of the General Manager, as Chairman; the Assistant General Manager; the Directors of the Divisions of Research, Engineering, Pro-

duction, Military Application, Raw Materials, and Biology and Medicine, and an Executive Officer. The function of the Council is to assure the effective development and integration of atomic energy programs.

§ 1.25 *Division of Research.* The Division of Research advises and assists the General Manager and the Managers of Operations in all matters requiring special knowledge in the fields of physics, chemistry, metallurgy, and the physical sciences in general, and in the formulation of research programs. It allocates certain materials owned by the Commission for research purposes and directs the distribution within the Commission and among the Commission's contractors of certain technical information.

§ 1.26 *Division of Engineering.* The Division of Engineering advises and assists the General Manager and the Managers of Operations in all matters requiring special knowledge in the fields of developmental engineering and in the design and construction of equipment, buildings, and other facilities. It administers the Commission's program for licensing the manufacture and transfer of facilities for the production of fissionable material, established by the regulation published as Code of Federal Regulations, Title 11, Part 50 (12 F. R. 7651).

§ 1.27 *Division of Production.* The Division of Production advises and assists the General Manager and the Managers of Operations in all matters concerning the design, operation, and maintenance of plants and related facilities, and the scheduling of production activities. It performs various related functions, including certain construction programs and the procurement of specialized instruments, and maintains inventory and accountability control of source and fissionable materials owned by the Commission.

§ 1.28 *Division of Military Application.* The Division of Military Application advises and assists the Commission, the General Manager and the Managers of Operations in all matters relating to the military application of atomic energy. It is the principal channel within the Commission for communication between the Commission and the Armed Forces. In this connection, it maintains working relationships with the Military Liaison Committee. The Director of the Division of Military Application is a member of the Armed Forces.

§ 1.29 *Division of Raw Materials.* The Division of Raw Materials advises and assists the General Manager and the Managers of Operations in all matters relating to exploration and the procurement of raw materials.

§ 1.30 *Division of Biology and Medicine.* The Division of Biology and Medicine advises and assists the General Manager and the Managers of Operations in all matters relating to biology and medicine, with particular attention to the fields of radiology, toxicology, health-physics, biochemistry, and public health.

§ 1.31 *Office of Security and Intelligence.* The Office of Security and Intel-

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Intelligence advises and assists the General Manager and the Managers of Operations in all matters relating to security and intelligence, including: determining initially the eligibility of Commission and contractor personnel for security clearance; physical protection of plants and facilities; protection and accountability for restricted data within the meaning of the Atomic Energy Act of 1946 and for other classified information; and evaluation of intelligence. It maintains working relationships with the Federal Bureau of Investigation and the Central Intelligence Agency.

§ 1.32 Office of Organization and Personnel. The Office of Organization and Personnel advises and assists the General Manager and the Managers of Operations in all matters relating to organization and administrative management; industrial relations, including employment, wage and salary administration, labor relations, and training; safety and fire protection; community management; and Federal personnel.

§ 1.33 Office of Budgets. The Office of Budgets advises and assists the General Manager and the Managers of Operations in all matters relating to budget estimates and controls and to program authorization and review. This includes responsibility for the development and administration of a system of progress reporting.

§ 1.34 Office of the Comptroller. The Office of the Comptroller advises and assists the General Manager and the Managers of Operations in all matters relating to accounting, auditing, cost accounting, and fiscal operations and reports. Periodically, and at any time upon request of the Commission, the Comptroller reports directly to the Commission on matters of finance and accountability.

§ 1.35 Office of the General Counsel. The General Counsel advises the Commission directly regarding the interpretation of the Atomic Energy Act of 1946 and other sources of legal powers, and the authority for and legal implications of all activities of the Commission. The Office of the General Counsel advises and assists the General Manager and the Managers of Operations in all matters of law and legal policy. The Office of the General Counsel has supervision over the Patent Branch, which administers matters relating to patents and inventions.

§ 1.36 Office of Public and Technical Information Service. The Office of Public and Technical Information Service advises and assists the General Manager and the Managers of Operations in matters involving the classification and declassification of information and material objects; reproduction and distribution of both declassified and classified technical and scientific data; security guidance and positive information services to public and private organizations and individuals.

§ 1.37 Office of Administrative Operations. The Office of Administrative Operations advises and assists the General Manager and the Managers of Operations in matters of transportation, communication, records management, property and supply.

§ 1.38 Secretary to the Commission. The Secretary to the Commission prepares agenda, keeps minutes, and maintains schedules of meetings of the Commission. He advises and assists the General Manager in matters relating to official records and communications of the Commission.

OFFICES OF DIRECTED OPERATIONS

§ 1.41 Office of New York Directed Operations. The Manager of New York Directed Operations is authorized to: (a) make purchases and enter into, extend, and modify contracts on behalf of the Commission, except that each purchase, new contract, extension, or modification in excess of two million dollars is subject to the approval of the General Manager; and (b) act as the representative of the Commission for the administration of contracts executed under his authority or assigned to his office for administration. The Office of New York Directed Operations manages contracts involving source materials; manages certain research contracts, including that for the operation of the Brookhaven National Laboratory; and performs special assignments. The Manager of New York Directed Operations administers the system of licensing established by the regulation published as Code of Federal Regulations, Title 11, Part 40 (12 F. R. 1855), and issues licenses in accordance with the standards set forth in the regulation.

§ 1.42 Office of Oak Ridge Directed Operations. The Manager of Oak Ridge Directed Operations is authorized to: (a) make purchases and enter into, extend, and modify contracts on behalf of the Commission, except that each purchase, new contract, extension, or modification in excess of five million dollars is subject to the approval of the General Manager; and (b) act as the representative of the Commission for the administration of contracts executed under his authority or assigned to his office for administration. The Office of Oak Ridge Directed Operations manages certain contracts for the production of fissionable and related materials; manages certain research contracts, including that for the operation of the Clinton National Laboratory; administers the program for the production and distribution of isotopes; and performs special assignments, including special responsibilities in the publication of technical information.

§ 1.43 Office of Chicago Directed Operations. The Manager of Chicago Directed Operations is authorized to: (a) make purchases and enter into, extend, and modify contracts on behalf of the Commission, except that each purchase, new contract, extension, or modification in excess of two million dollars is subject to the approval of the General Manager; and (b) act as the representative of the Commission for the administration of contracts executed under his authority or assigned to his office for administration. The Office of Chicago Directed Operations manages certain research contracts, including those for the operation of the Argonne National Laboratory and laboratories at Ames, Iowa, and Berkeley, California; and performs special assignments.

§ 1.44 Office of Hanford Directed Operations. The Manager of Hanford Directed Operations is authorized to: (a) make purchases and enter into, extend, and modify contracts on behalf of the Commission, except that each purchase, new contract, extension, or modification in excess of five million dollars is subject to the approval of the General Manager; and (b) act as the representative of the Commission for the administration of contracts executed under his authority or assigned to his office for administration. The Office of Hanford Directed Operations manages contracts for operations (including the production of plutonium) at Hanford, and for research at the Knolls Atomic Power Laboratory at Schenectady, New York; and performs special assignments.

§ 1.45 Office of Santa Fe Directed Operations. The Manager of Santa Fe Directed Operations is authorized to: (a) make purchases and enter into, extend, and modify contracts on behalf of the Commission, except that each purchase, new contract, extension, or modification in excess of three million dollars is subject to the approval of the General Manager; and (b) act as the representative of the Commission for the administration of contracts executed under his authority or assigned to his office for administration. The Office of Santa Fe Directed Operations manages contracts for atomic research and for development in connection with atomic weapons.

PART 2—PROCEDURES

Sec.

- 2.1 Research assistance.
- 2.2 Public and technical information service.
- 2.3 Material and equipment control.
- 2.4 Patents, inventions, and awards.

AUTHORITY: §§ 2.1 to 2.4, inclusive, issued under secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. Sup. 1002, 1011.

§ 2.1 Research assistance. (a) The Commission has entered into many contracts with public and private institutions for the prosecution of research and development work in various branches of atomic science and technology. These contracts are negotiated and supervised on behalf of the Commission by the General Manager, the Managers of Operations, and their authorized representatives. Inquiries regarding arrangements for research and development work may be addressed to the General Manager or the Managers of Operations.

(b) The Commission further assists and fosters research and development by a program for the sale and distribution of various radioactive and stable isotopes, including deuterium, and for the irradiation in an operating nuclear reactor of various samples. Because radioisotopes are at present available only in limited amounts, and because they may present a distinct health hazard unless used with proper care, the Commission desires to insure that they are distributed in a manner that will assure effective use and safe handling. Any scientist working in a recognized academic, medical, or industrial research institution in the United States may address his specific

request for isotopes or irradiation service to the United States Atomic Energy Commission, Office of Oak Ridge Directed Operations, P. O. Box E, Oak Ridge, Tennessee. The Office of Oak Ridge Directed Operations processes applications for necessary approvals. The approved application is returned to the applicant for transmittal to the contractor serving as distributor. The contractor, on receipt of the approved application, fills the order and bills the applicant according to a price schedule approved by the Commission.

§ 2.2 *Public and technical information service.* Persons desiring security guidance prior to the dissemination or publication of informational materials or documents may submit the texts to the Commission. Such submissions, as well as requests for declassified or unclassified information arising from the Commission's research and development work, should be directed to the U. S. Atomic Energy Commission, Office of Public and Technical Information Service, Washington 25, D. C.

§ 2.3 *Material and equipment control.* (a) Pursuant to section 5 (b) of the Atomic Energy Act of 1946, a regulation for licensing the transfer of source materials (uranium and thorium) has been published as Code of Federal Regulations, Title 11, Part 40 (12 F. R. 1855), which sets forth necessary procedures. Correspondence and other inquiries concerning possession, transfer, and use of source materials should be addressed to the U. S. Atomic Energy Commission, Office of New York Directed Operations, P. O. Box 42, Murray Hill Station, New York 16, New York.

(b) Pursuant to section 4 (e) of the Atomic Energy Act of 1946, a regulation for licensing the manufacture and transfer of facilities for the production of fissionable material has been published as Code of Federal Regulations, Title 11, Part 50 (12 F. R. 7651), which sets forth necessary procedures. Correspondence and other inquiries in this connection should be addressed to the U. S. Atomic Energy Commission, Division of Engineering, Washington 25, D. C.

§ 2.4 *Patents, inventions, and awards.* The preparation of rules and regulations with respect to applications for awards, just compensation or the fixing of reasonable royalty fees in connection with patents and inventions under the provisions of section 11 of the Atomic Energy Act of 1946 is at present under consideration by a Patent Advisory Board appointed by the Commission. When approved by the Commission, such rules and regulations will be published in the FEDERAL REGISTER. Until then, inquiries with respect to such matters should be addressed to the U. S. Atomic Energy Commission, Patent Branch, Washington 25, D. C.

Dated at Washington, D. C., this 29th day of January 1948.

U. S. ATOMIC ENERGY COMMISSION,
CARROLL L. WILSON,
General Manager.

[F. R. Doc. 48-1090; Filed, Feb. 5, 1948; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 387]

PART 804—INDIVIDUAL LICENSES

MEAT

Section 804.7 *Special provisions concerning applications to export certain commodities* is amended by adding thereto a new paragraph (1) to read as follows:

(1) *Meat.* When submitting applications for licenses to export meat and meat products, Schedule B Nos. 002000 through 003900, an applicant may include in a single license application all the types of meat proposed to be shipped to a single consignee. However, under item 9 of the license application (for IT 419) the applicant must enter for each item listed (1) the quantity to be shipped, (2) a description of the commodity including its Schedule B number, and (3) the total selling price of the item and its price per unit.

This amendment shall become effective immediately.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: January 30, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-1085; Filed, Feb. 5, 1948; 8:47 a. m.]

[Amdt. 386]

PART 824—CONSOLIDATED LICENSE FOR EXPORTATION OF CERTAIN CHEMICALS AND COATED FABRICS

REVOCATION OF PART

Part 824 *Consolidated license for the exportation of certain chemicals and coated fabrics* is hereby revoked, effective immediately. The revocation of this part does not affect the validity of outstanding valid licenses issued thereunder. Such export licenses may be used in accordance with the terms, conditions and limitations thereof, until the full amount licensed for export has been shipped or until the validity period of the license has expired, whichever is sooner.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: January 30, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-1084; Filed, Feb. 5, 1948; 8:47 a. m.]

[Amdt. 385]

PART 825—CONSOLIDATED LICENSE FOR EXPORTATION OF FOOD

REVOCATION OF PART

Part 825 *Consolidated license for exportation of food* is hereby revoked, effective immediately. The revocation of this part does not affect the validity of outstanding valid licenses issued thereunder. Such export licenses may be used in accordance with the terms, conditions and limitations thereof, until the full amount licensed for export has been shipped or until the validity period of the license has expired, whichever is sooner.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: January 30, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-1083; Filed, Feb. 5, 1948; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 22—TREATMENT OF MAIL MATTER RECEIVED FROM FOREIGN COUNTRIES INVOLVING THE CUSTOMS REVENUE

JOINT REGULATIONS ADOPTED BY SECRETARY OF TREASURY AND POSTMASTER GENERAL GOVERNING TREATMENT OF MAIL MATTER RECEIVED FROM FOREIGN COUNTRIES INVOLVING CUSTOMS REVENUE

Section 22.5 is amended as follows:

1. The heading of the section is changed to read: "*Articles for ambassadors, members of embassies, foreign representatives, the United Nations and its personnel.*"

2. Paragraph (d) is amended to read as follows:

(d) Mail articles for representatives of foreign governments resident in Washington, D. C., and for the United Nations and its personnel, shall not be detained for examination or other customs treatment at the exchange post office of first receipt in the United States. Such articles shall be forwarded by mail to the customs authorities in Washington and New York, New York, respectively, accompanied by card Form 3511, in entry form envelop, in the manner set forth in § 22.13 (b). Articles for representatives of foreign governments resident in Washington, D. C., shall be addressed to the deputy collector of customs, in care of the postmaster, Washington, D. C., and articles for the United Nations and its personnel shall be addressed to the collector of customs, in care of the postmaster, New York, New York.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 498, 46 Stat. 728 Title I, 59 Stat.

669; 5 U. S. C. 22, 369, 19 U. S. C. 1498, 22 U. S. C. Sup. 288-288f)

[SEAL] J. M. DONALDSON,
Postmaster General.
E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-1078; Filed, Feb. 5, 1948;
8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 2407]

PART 4—DELEGATIONS OF AUTHORITY

DELEGATIONS TO THE DIRECTOR IN SPECIFIED MATTERS

JANUARY 30, 1948.

The following subparagraph is substituted for subparagraph (41) of paragraph (a), § 4.275:

§ 4.275 *Functions with respect to various statutes.* (a) * * *

(41) Approval of any sale or contract for the sale of timber of an estimated stumpage volume of not to exceed 40 million board feet and other materials of an appraised value not to exceed \$20,000 or of the free use of timber or other materials, under the act of July 31, 1947 (Public Law 291, 80th Cong., 1st Sess.). The authority granted by this subparagraph to issue free use permits may be redelegated to any employee of the Bureau of Land Management by an order of the Director published in the FEDERAL REGISTER.

(R. S. 161; 5 U. S. C. 22)

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 48-1081; Filed, Feb. 5, 1948;
8:46 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

[Order No. 295]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS TO THE REGIONAL ADMINISTRATORS

FEBRUARY 2, 1948.

The following subparagraph is added to paragraph (a) of § 50.451 (12 F. R. 4717, 6617):

§ 50.451 *Functions with respect to various statutes.* * * *

(41) Approval of any sale, or contract for the sale of timber of an estimated stumpage volume of not to exceed 15 million board feet and other materials of an appraised value not to exceed \$5,000, or of the free use of timber of a stumpage value of not over \$25; *Provided*, That where it is in the interest of the Government to have removed dead, down, or other low value timber which would reduce the fire hazard, improve the stand, or serve other salvage or improvement purposes, a permit may be issued for stumpage value of not to ex-

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ceed \$200, and of the free use of other materials of a value of not more than \$200, in any twelve month period, under the act of July 31, 1947 (Pub. Law 291, 80th Cong., 1st Sess.).

FRED W. JOHNSON,
Director.

[F. R. Doc. 48-1082; Filed, Feb. 5, 1948;
8:46 a. m.]

[Circular 1670]

PART 259—DISPOSAL OF MATERIALS

Parts 259, 260, and 261 are repealed and a new Part 259 adopted to read as follows:

Sec.
259.1 Statutory authority.
259.2 Definitions.
259.3 Disposals which must be made under other statutes; rights under other statutes.

SALES

259.4 Sale and appraisal.
259.5 Who may apply.
259.6 Application; contents.
259.7 Action on application.
259.8 Publication and posting.
259.9 Deposits with bids.
259.10 Conditions precedent to execution of contract.
259.11 Contract.
259.12 Bond.
259.13 Payment.
259.14 Lien.
259.15 Recordation.
259.16 Passage of title; risk of loss.
259.17 Reappraisals.
259.18 Assignments.
259.19 Termination of contract.
259.20 Extension of time.
259.21 Removal of personality upon termination of contract.
259.22 Default; suspension; cancellation; damages and expense incurred by Government chargeable to purchaser.
259.23 Expiration of contract.

FREE USE

259.24 Free use privilege; limitations.
259.25 Application for permit.
259.26 Issuance of permit; removal of material; bond.
259.27 Removal by agent.
259.28 Termination of permit; extensions; notice of completion of removal operations.

GENERAL

259.29 Appeals.

AUTHORITY: §§ 259.1 to 259.29, inclusive, issued under the act of July 31, 1947 (Pub. Law 291, 80th Cong., 1st Sess.).

DISPOSAL OF MATERIALS

§ 259.1 *Statutory authority.* The act of July 31, 1947 (Pub. Law 291, 80th Cong., 1st Sess.) authorizes the disposal of materials, including but not limited to sand, stone, gravel, yucca, manzanita, mesquite, cactus, common clay, and timber or other forest products, on public lands of the United States in Alaska and the continental United States, except as to the conditions specified and the reserved lands listed below:

(a) The disposal shall not be otherwise expressly authorized by laws of the United States, including the United States mining laws;

(b) It shall not be expressly prohibited by laws of the United States;

(c) It shall not be detrimental to the public interest;

(d) Nothing in the act shall be construed to apply to lands in any national forest, national park or national monument or to any Indian lands or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians.

(e) Except as to the lands specified in paragraph (d) of this section, the disposal may be made of materials on lands withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior or of a State, Territory, County, municipality, water district, or other local government subdivision or agency, with the consent of said Federal department or agency, or of such State, Territory, or local governmental unit.

§ 259.2 *Definitions.* (a) "Regional Administrator" means the Regional Administrator, Bureau of Land Management. Where there is no Regional Administrator, it means Director, Bureau of Land Management.

(b) "Manager" means Manager of the District Land Office. Where there is no District Land Office, it means Director, Bureau of Land Management.

(c) "Signing Officer" means the Government official who has been duly authorized to sign the contract for the disposal of materials or to issue a permit under the act and to take action under such contract or permit.

(d) "Officer in Charge" means such officer as may be designated by the Signing Officer or other authorized government official to supervise operations under such contract or permit.

(e) "The act" means the act of July 31, 1947 (Public Law 291, 80th Cong., 1st Sess.).

§ 259.3 *Disposals which must be made under other statutes; rights under other statutes.* The disposal of materials will be made under other acts where there is any such statutory authority. Dead or down timber, or timber which has been seriously or permanently damaged by forest fires, shall not be disposed of under the act but, rather under the act of March 4, 1913 (37 Stat. 1015; 16 U. S. C. 614, 615), as amended, and the regulations thereunder (43 CFR, Part 284). However, where such dead, down, or damaged timber is intermingled with timber which is live, standing, and of merchantable size and quality, and it is not feasible to sell the two classes of timber separately, consideration will be given to the disposal of both classes in a single transaction under the act and the regulations in this part.

The disposal of timber in Alaska, where statutory authority under other acts exists, will be made under such statutes and the applicable regulations (43 CFR, Part 79). Timber on the revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road grant lands will be disposed of under the applicable act and regulations (43 CFR, Part 115).

The limitations on free use privileges under the act because of the existence of

other statutory authority for the free use of timber are set out in § 259.24.

Timber and other forest products will not be sold under the act if it is determined that such products should be managed under a sustained yield program pursuant to the act of March 29, 1944 (58 Stat. 132; 16 U. S. C. Sup. 583). Sand, stone and gravel of such quality and quantity as to be subject to the mining laws, will not be disposed of under the act.

Where there are valid, existing claims to the land by reason of settlement, entry, or similar rights obtained under the public land laws, no disposal of the materials on the land may be made under the act. If the interest in the land is of such nature that it may not be inconsistent with such disposal of materials on the land, as in the case of a lawful grazing or mining use, the materials may be disposed of under the act, under such conditions as the Signing Officer, in his discretion, may specify.

SALES

§ 259.4 *Sale and appraisal.* All materials to be sold under the provisions of the act shall be appraised and in no case shall they be sold at less than the appraised price. They shall be sold to a responsible qualified purchaser under the appropriate form of contract and upon such additional terms as the Signing Officer may consider advisable.

Where the appraised value of the timber or other material is \$1,000 or less it may be disposed of to a responsible qualified applicant or to such a person making the highest offer at public auction or under sealed bids. A sale without competitive bidding may be made after due publication, as set out in § 259.8, in the discretion of the Signing Officer and where no competitive interest is disclosed by field examination or other sources of information. No more than one such sale may be made to any one applicant or for his use in any twelve month period.

If the appraised value exceeds \$1,000, however, a sale may be authorized only to the highest responsible qualified bidder under sealed bids. Offerings of material for sale may also be made from time to time without the receipt of application when, in the judgment of the Signing Officer, such action is in the public interest.

§ 259.5 *Who may apply.* An applicant may be (a) an individual who is a citizen of the United States, (b) a partnership composed of such persons, (c) an unincorporated association whose officers are all citizens, or (d) a corporation organized under the laws of the United States or of a State or Territory thereof and authorized to transact business in the State or Territory in which the lands involved are situated. If any appreciable number of the members of an unincorporated association are aliens or any appreciable percentage of the stock of a corporate applicant is held by aliens, the application will be denied.

§ 259.6 *Application; contents.* An application to purchase hereunder, must be filed in triplicate in the land office for the district in which the material is located.

If there be no district land office in the State, the application shall be filed in the Bureau of Land Management, Washington, D. C. The application should be made on form 4-059 and contain the following data:

(a) The full name and address of the applicant, the general nature of his business, and the principal place of business;

(b) The age and proof of the citizenship of the applicant if an individual, or as to each partner or member if a partnership or association. If the applicant is native born, a statement to that effect will be sufficient. An applicant who is a naturalized citizen shall state the date of his naturalization, the court in which he was naturalized, and if he knows it, the number of his naturalization certificate. If the applicant is a woman, she shall also state whether she is married or single, and if married, she must furnish the date of her marriage and the facts concerning her husband's citizenship.

A copartnership or an association applicant shall file a certified copy of whatever written articles of association its members may have executed.

A corporation applicant shall file a certified copy of its articles of incorporation and to the extent reasonably ascertainable, shall state the name, residence, and citizenship of and the amount of stock held by each stockholder, including the name of the country to which each alien stockholder owes allegiance. Where the corporation is not organized under the laws of the State or Territory embracing the lands affected, such corporations shall file a certificate by the proper officer of the State or Territory in which the lands are situated showing its authority to do business in such State or Territory.

(c) A description of the lands involved, if surveyed, according to legal subdivision, section, township, and range; if the lands are unsurveyed, a description by metes and bounds with a tie to a corner of the public land surveys if within two miles, otherwise the tie being made to some prominent topographic feature and the approximate latitude and longitude given when practicable; the approximate acreage of the lands described, which shall be restricted to the smallest area that can supply the desired materials consonant with proper conservation measures.

(d) The serial numbers of all other applications filed by the applicant under this act.

(e) A detailed statement as to the nature and quantity of each species or type of material currently desired, the purpose for which it is needed and will be used, where it is to be used or disposed of, the amount of material estimated as being on the land, its unit value, when the taking could be commenced, and the period of time in which removal could be completed.

§ 259.7 *Action on application.* Upon the filing of any application in the district land office, the manager may reject any application which shall not be properly executed or is otherwise irregular. The Signing Officer, upon receipt of the application, may reject an applica-

tion which is defective in any way or unsupported by an adequate and satisfactory showing, or may require defects to be cured or additional evidence to be provided.

§ 259.8 *Publication and posting.* When advertisement of the sale is approved by the Signing Officer and the appraised value of the material exceeds \$1,000, notice must be published prior to the date of sale, at the expense of the government in a newspaper published in the county containing the material applied for. If the land is in two or more counties, notice may be published in any one of the counties. If no newspaper is published in such county or counties, then publication shall be made in a newspaper of general circulation in the vicinity of such land. If the paper designated is a daily, the notice must be published in the Wednesday issue for four consecutive weeks; if it is a weekly, in four consecutive issues; and if it is a semiweekly or triweekly, in the issue of the same day of each week, for four consecutive weeks.

The notice shall give the name and post office address of the applicant, the serial number and date of the application, description of the land, the nature and amount of material applied for, the appraised price thereof, the method of bidding, and the date of sale. It shall also state that bids of a sum less than the appraised price of the material will not be considered, and that the right to reject any or all bids is reserved. All bidders are warned against violation of the provisions of section 59 of the United States Criminal Code, approved March 4, 1909 (35 Stat. 1099; 18 U. S. C. 113), prohibiting unlawful combination or intimidation of bidders.

If the appraised value of the material is \$1,000 or less and the material is not to be sold competitively, notice shall be posted on the land and a copy posted in the district land office. The Signing Officer may, however, provide such additional or other publication as he deems appropriate, including publication in a newspaper. Where the Signing Officer determines that a competitive sale of such material shall be ordered, publication shall be made in a newspaper at least once but not over four times, as the Signing Officer may provide.

A copy of any notice published under this section shall be posted by the manager in a conspicuous place in the district land office throughout the entire period of publication.

§ 259.9 *Deposits with bids.* A deposit must accompany bids for the purchase of the material in the amount of at least 20 percent of the amount bid when the bid is \$1,000, or less; an additional 10 percent of that portion, if any, of the amount bid over \$1,000 up to \$10,000; an additional 5 percent of that portion, if any, of the amount bid over \$10,000 up to \$100,000; and an additional 3 percent of that portion, if any, of the amount bid in excess of \$100,000. Every deposit must be made in cash, by money order, or by cashier's check or certified check on a solvent bank, drawn payable to the Treasurer of the United States. Deposits with bids are required, as a guarantee of

RULES AND REGULATIONS

good faith, and when a bond is not required, the deposit of the successful bidder will be retained until the contract is completed. The deposit will be returned, provided the purchaser has faithfully performed the terms of the contract. If a bond is furnished and accepted, the deposit will be credited towards the first installment due in payment for the material. Deposits of unsuccessful bidders will be returned upon the award of the bid.

§ 259.10 Conditions precedent to execution of contract. If the high bidder is not the applicant, he must, within 30 days after he has been so declared, file with the manager evidence of the same qualifications as those required of any applicant.

In all sales in excess of \$5,000, and in small sales when required, the successful bidder will, prior to the award of the material, submit a complete financial statement of his ability to fulfill the terms of the contract. Additional information with respect to the ability of the bidder to perform the contract, inclusive of data covering plant and equipment, etc., may be required, in the discretion of the Signing Officer, before execution of the contract.

If the evidence as to his ability to fulfill the terms of the contract is not sufficient to justify the award of the material to him, the bid may be rejected.

§ 259.11 Contract. If all be found regular, the Bureau of Land Management shall prepare a contract in quintuplicate¹ using form 4-054 for timber sale contracts and form 4-055 for contracts for the sale of other materials. In sales of materials, whether timber or other materials, the appraised value of which is \$1,000 or less, form 4-053 shall be used instead of the longer form 4-054 or 4-055. The copies of the contract will be transmitted to the successful bidder, together with notice that he will be allowed 30 days from receipt of such notice within which to sign and return the contract.

Should the successful bidder fail to execute and submit the required contract and bond, or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under this act.

§ 259.12 Bond. A bond for the faithful performance of the contract and the observance of the regulations in this part, will be required. In sales in which the contract price of the material does not exceed \$1,000, the deposit may be retained as a cash bond until the contract is completed. In all other sales, a bond of not less than 10 per cent of the contract price will be required. The said bond must be that of a corporate surety shown on an approved list issued by the Treasury Department. Bonds hereunder will be executed on form 4-057. In any case, the Signing Officer may, within his discretion, accept a cash bond in place of a surety bond.

¹ Only four copies of the contract need be prepared where the contract specifically limits the amounts payable to the Government in any one fiscal year to \$300 or less, since such contracts are not to be filed in the General Accounting Office.

§ 259.13 Payment. In sales for not more than \$1,000, payment may be required in full before removal of the material is started. In sales of more than \$1,000 but not over \$10,000, payment shall be made in installments of not less than \$1,000 each; in sales of over \$10,000 but not over \$25,000, in installments of not less than \$2,500 each; and in sales of over \$25,000 but not over \$50,000, in installments of not less than \$5,000 each; *Provided*, That the last installment on any sale may be in an amount equal to the balance due and payable thereon. In sales of over \$50,000, the amount of the installments shall be determined at the time such sales are authorized: *Provided*, That the amount so fixed shall not be less than \$5,000 for each installment.

On or before the time when the value, based on the contract price, of the material removed under the contract shall equal the total amount then paid by the purchaser, if the entire purchase price has not yet been paid, the purchaser shall make an additional advance payment, without prior request, in an amount equal to the next installment due, or the balance due, if less than the amount of such next installment.

§ 259.14 Lien. A lien for all payments which become due under the contract shall be reserved to the United States on all improvements, fixtures, and personal property of the purchaser on the lands and no improvements or fixtures may be removed from the lands unless all moneys due the United States have been paid.

§ 259.15 Recordation. The contract will be recorded by and at the expense of the purchaser in accordance with the applicable recordation statutes of the jurisdiction in which the land is situated, and evidence of such recordation will be furnished by the purchaser to the manager.

§ 259.16 Passage of title; risk of loss. The title to the material will not pass to the purchaser before payment and severance or extraction of such material. The purchaser shall be liable for the loss of any or all of the material sold under the contract which may be damaged or destroyed by fire or otherwise, before payment for and severance or extraction of the material, to the extent that the purchaser, his contractors or subcontractors, or the employees of any of them, are directly or indirectly responsible for such damage. If the material is so damaged or destroyed without fault on their part, the purchaser shall be accountable for the loss sustained to the extent that such loss is caused by his failure to sever, extract, or remove the damaged material as expeditiously as possible under the existing circumstances and the terms of the contract.

§ 259.17 Reappraisals. No reappraisals of materials under the contract will be made during the life of the contract if the term of the contract is for two years or less. If the term is for more than two years, prior to the commencement of the third and each subsequent year the material sold under the contract, but not yet severed or extracted, shall be appraised. If the unit value of such ma-

terial is found upon reappraisal to exceed the unit contract price therefor, any such material severed or extracted subsequent to the beginning of the new contract year shall be charged and paid for at a unit price not to exceed the reappraised unit value. The reappraised unit price for any material may not be less than the original unit contract price therefor.

Notice of the reappraised prices to be fixed under the contract for the third and each succeeding year shall be sent, registered mail, by the Signing Officer to the purchaser, not later than 10 days after the beginning of each of such years. Not later than 30 days after the receipt of such notice, the purchaser may submit his objections, if any, in writing to the Signing Officer. In the absence of such objection, or if the Signing Officer does not believe the objection sufficient and so advises the purchaser, the new price shall be in effect and govern the payments to be made for all material severed or extracted during the contract year.

§ 259.18 Assignments. The purchaser may not assign the contract or any interest therein without the consent of the Signing Officer. The proposed assignment shall be forwarded in quadruplicate within 90 days from the date of its execution to the manager of the proper district land office, and contain all the terms and conditions agreed upon by the parties thereto.

§ 259.19 Termination of contract. The Government may terminate a contract at the request of a purchaser if he shall make satisfactory showing that such termination will not adversely affect the public interest; that he has paid all charges due the Government thereunder; and that he had paid all wages and moneys due his employees for their operations under said contract.

§ 259.20 Extension of time. An application for an extension of time within which to comply with the terms of the contract may be considered upon a showing by the purchaser that his delay in complying with the contract terms has been caused by circumstances over which he had no control and that the granting of an extension will not prejudice the Government's interest. The application for extension must be made in writing not less than 90 nor more than 150 days prior to the expiration of the contract. Such extension must be approved by the Signing Officer who will also determine on what terms such extension may be granted. No extension will be granted unless a reappraisal of the material has been made.

§ 259.21 Removal of personalty upon termination of contract. Upon the expiration of a contract or the earlier termination thereof pursuant to § 259.19, the purchaser shall have the right at any time within one year therefrom or such extension thereof as may be granted by the Signing Officer within which to remove any equipment, machinery, improvements, or other personal property placed by him on the land, provided all moneys due the United States shall have been paid. All such personalty remaining on the land after the end of such period shall become the property of the United States.

§ 259.22 *Default; suspension; cancellation; damages and expense incurred by Government chargeable to purchaser.*

(a) Suspension of the purchaser's operations may be made by the Officer in charge, after due notice, if any requirements of the contract are disregarded, and until there is satisfactory compliance therewith.

(b) If the purchaser shall fail to comply with any of the provisions of the contract, the Signing Officer may serve the purchaser with written notice requiring performance thereof within 30 days under pain of cancellation and the forfeiture of the bond and all moneys paid. If the purchaser continues in default after said 30 days, said official may cancel his contract.

(c) The purchaser will be liable for damage resulting from the breach of contract, including, without limitation, depreciation in the value of the material based upon a determination by the Government.

§ 259.23 *Expiration of contract.* The maximum periods which shall be allowed for the removal of material after the date of the contract, except as the contract may be extended in accordance with § 259.20, shall be as follows: In sales of material, the appraised value of which is \$1,000 or less, one year; in larger sales, including sales of material, other than timber, the price of which is not more than \$5,000, and in timber sales of an estimated stumpage volume of not more than 5,000,000 feet board measure, two years; in non-timber sales for over \$5,000 but not more than \$10,000, and timber sales of over 5,000,000 but not more than 7,500,000 feet board measure, three years; in non-timber sales for over \$10,000 but not exceeding \$25,000, and timber sales of over 7,500,000 but not more than 15,000,000 feet board measure, five years; and in non-timber sales for over \$25,000 and timber sales involving over 15,000,000 feet board measure, the number of years to be fixed by the Signing Officer at the time such sales are authorized.

FREE USE

§ 259.24 *Free use privilege; limitations.* Any Federal, State, or Territorial agency, unit, or subdivision including municipalities, or any person, or any association or corporation not organized for profit, may be authorized to take and remove, without charge, materials subject to the act, for use other than for commercial or industrial purposes or resale. The permittee is granted a right to remove material while the permit remains in force, and in accordance with the provisions of the permit, as against a subsequent applicant who may wish to obtain the same material by purchase; but materials may not be removed by a permittee after the land has been included in a valid existing claim as set forth in the last paragraph of § 259.3.

Authority under other acts also exists for the free use of timber, under specified circumstances, (a) in certain states by settlers on public lands, citizens and bona fide residents of the state, and corporations doing business in the state (43 CFR, Part 284), and (b) in Alaska by actual settlers, residents, individual miners,

prospectors for minerals, churches, hospitals, and charitable institutions (43 CFR, Part 79). Free use timber applications may be considered under the act, rather than under the statutes and regulations mentioned, only when the applicant cannot qualify under such statutes and regulations, as in the case of Alaskan non-profit associations and corporations which are not engaged in church, hospital, or charitable activities.

The material applied for must be for the applicant's own use and only one permit for such use may be issued in any one year. The disposal of timber of a stumpage value over \$25 to an applicant for a free-use permit will ordinarily not be authorized within any twelve month period unless it appears that the cutting and removal of the timber is in the interest of the Government, as where the application is made for dead, down, or other low value timber whose removal would reduce the fire hazard, improve the stand, or serve other salvage or improvement purposes. The maximum value of any material which may be removed under permit in any twelve month period by an applicant or for his use may in no case exceed \$200.

Free use permits will not be issued where the applicant owns or controls an adequate supply of the material to meet his needs. The material removed, moreover, may not be bartered or sold.

§ 259.25 *Application for permit.* An application for permit, in triplicate, must be made on form 4-056 and filed in the appropriate district land office or with an employee of the Bureau of Land Management authorized to issue such permit.

§ 259.26 *Issuance and cancellation of permit; removal of material; bond.* The permit shall be issued in the form of an endorsement upon the application with date of issuance, and a copy shall be sent promptly to the applicant. The provisions under which the selection, removal, and use of the material shall be governed, if any, shall be incorporated in the approval of the permit. The failure by the permittee, to observe such stipulations, or the appropriate regulations in this part, may result in cancellation of the permit and bar him from securing other permits. The permit may also be canceled if it appears that the permit was erroneously issued, as where no disposition may be made of the materials on the lands in question, as provided in § 259.1.

No material shall be removed until the permit is issued. A bond may be required conditioned upon faithful performance of the provisions of the permit and applicable regulations.

§ 259.27 *Removal by agent.* An applicant granted a free use permit may procure the materials by agent, if desired. Such agent, shall not, however, be paid more than a fair recompense for the time, labor, and money expended in procuring the material and processing it, and no charge shall be made for the material itself. The said compensation must be set forth in a written contract to be entered into by the parties, and a copy thereof must be filed with the application. No part of the material may

be used in payment for services in obtaining or processing it.

§ 259.28 *Termination of permit; extensions; notice of completion of removal operations.* All rights and privileges under a permit shall terminate at the expiration of the period of one year from the date of the approval of the permit or the date to which the permit has been extended. A year's extension may be granted, in the discretion of the Regional Administrator.

Upon completion of the removal, the permittee must notify the manager, stating when the work was completed and the terms of the permit fulfilled, the land from which the material was taken, the amount and kind of material which was removed, and the use to which the material was put.

GENERAL

§ 259.29 *Appeals.* A party aggrieved by any official action regarding his application, contract, or protest, may appeal from any decision of the manager or other subordinate official to the Regional Administrator, from the latter's decision to the Director of the Bureau of Land Management, and from the Director's decision to the Secretary of the Interior, pursuant to the rules of practice, 43 CFR, Part 221.

FRED W. JOHNSON,
Director.

Approved: January 30, 1948.

MASTIN G. WHITE,
Acting Assistant Secretary.

[F. R. Doc. 48-1080; Filed, Feb. 5, 1948;
8:58 a. m.]

PART 259—SPECIAL CONTRACTS

PART 260—SPECIAL LEASES OR SALES

PART 261—DISPOSAL OF SAND, STONE, GRAVEL, VEGETATION, TIMBER OR OTHER FOREST PRODUCTS

CROSS REFERENCE: For revocation of Parts 260 and 261, and former Part 259 (Special Contracts), see new Part 259 (Disposal of Materials) of this chapter, *supra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 394, Amdt. 1]

PART 95—CAR SERVICE

FREE TIME REDUCED ON REFRIGERATOR CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2nd day of February A. D. 1948.

Upon further consideration of Revised Service Order No. 394 (12 F. R. 6259), and good cause appearing therefor: It is ordered, that:

RULES AND REGULATIONS

Section 95.394, *Free time reduced on refrigerator cars*, of Revised Service Order No. 394, be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 7:00 a. m., August 31, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 4, 1948; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24, Stat. 379, as amended; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-1087; Filed, Feb. 5, 1948;
8:47 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF BERMUDA OR SPANISH TYPE ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Rev.-28C]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF BERMUDA OR SPANISH TYPE ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.528 *Shipments of Bermuda or Spanish type onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386) or in Item 400 of Special Direction ODT 18A—

2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of Bermuda or Spanish type onions when the origin point is in the States of California, Colorado, Idaho, Nevada, Oregon, Utah or Washington, and such carload freight is loaded to a weight not less than 30,000 pounds.

This General Permit ODT 18A, Revised-28C, shall become effective February 2, 1948, and shall expire June 30, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Law 395, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641, E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 2d day of February 1948.

J. M. JOHNSON,
Director of the Office of
Defense Transportation.

[F. R. Doc. 48-1079; Filed, Feb. 5, 1948;
8:46 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Ch. II]

CONVERSION OF ARGENTINE PESO FOR PURPOSE OF ASSESSMENT OF DUTY ON MERCHANDISE IMPORTED INTO U. S.

NOTICE OF PROPOSED INSTRUCTIONS

Notice is hereby given that, pursuant to section 251 of the Revised Statutes and sections 522 and 624 of the Tariff Act of 1930 (19 U. S. C. 66, 31 U. S. C. 372, 19 U. S. C. 1624), it is proposed to issue instructions for the conversion of the Argentine peso for the purpose of the assessment of duties on merchandise imported into the United States, the terms of which proposed instructions, in tentative form, are as follows:

Reference is made to cases in which appraisal has been withheld or liquidation has been suspended pending the determination of the proper rate or rates for the Argentine peso for customs purposes.

The Federal Reserve Bank of New York has certified two rates of exchange for the Argentine peso, one designated as the "Official" rate and the other not designated by a distinctive name, during the period commencing March 27, 1941, and continuing to date.

Argentina has had a form of exchange control since 1931, when a Commission

for Control of Exchange was established for the purpose of administering exchange regulations including the fixing of buying and selling rates for foreign currencies. These regulations and resulting operations gave rise to the "Official" rate of exchange for the Argentine currency. In November of 1933, by a resolution of the Ministry of Finance, an existing exchange market was recognized by the Government as a "free" market in which foreign exchange accruing from all sources other than exports could be sold. This resolution was amended in December of 1933 to permit the sale in the free market of foreign exchange resulting from exports other than "regular" exports.

In the latter part of 1940 and the early part of 1941 the exchange control regulations and export controls were again changed. Under the provisions of these amendments foreign exchange covering the f. o. b. value of export from Argentina (which in the case of exports to the United States means U. S. dollars) was required to be sold or surrendered to the Central Bank or a bank authorized to deal in foreign exchange. Foreign exchange, resulting from exports to the United States of the main export commodities of that country (believed to include grain, meat, and other packing house products, wool, hides, and dairy products), designated as "regular" exports, was required to be sold or surrendered at the "Official" rate as fixed

from time to time by the Banco Central de Argentina (which took over the duties of the Commission for Control of Exchange as related to the fixing of rates and the buying and selling of exchange). The exchange derived from payment for "non-regular" exports (i. e., exports other than regular exports, consisting in general of new products, or products previously not regularly exported from Argentina or exported only in limited quantities, and believed to include manufactured goods where the cost of the raw materials is less than 50 percent of the value of the finished product, such as, at least during certain periods, leather handbags, shoes, cheese, wines, beverages) was required to be sold or surrendered to authorized banks in Argentina at a rate, fixed from time to time by the Central Bank, and sometimes referred to as the "preferential" buying rate. This is a rate more favorable to the Argentine exporter than the "Official" rate.

It is understood that the "Official" rate as certified by the Federal Reserve Bank of New York corresponds to the rate applicable to regular exports from Argentina and the "Undesignated" rate corresponds to the rate applicable to non-regular exports from Argentina, designated commercially as the "preferential" buying rate.

In 1943 the classification of products as non-regular exports was limited, and in 1944 the list of products subject to the rate for non-regular exports was greatly

reduced. It is believed that by decrees or regulations, copies of which are not available to the Treasury Department and the contents not fully known, numerous changes have been made from time to time since March 1941 in the categories or lists of products comprising regular and non-regular exports.

It is understood that under the various resolutions and decrees by which products were added to or removed from the lists or categories of regular or non-regular exports, or were transferred from one to the other of such lists or categories, provision may have been made for disposition of the exchange proceeds of certain exports on the basis of their former category although actual shipment did not occur until after the date of transfer to their new category. It is possible that such exceptional treatment may have been allowed because the contract between exporter and importer was made on the basis of the earlier exchange requirement. It is also believed that shipments of certain commodities or classes or types of commodities may have been allowed on the basis of exchange negotiated in a "free market" (the rate for which has not been certified by the Federal Reserve Bank of New York, and is understood to be lower than either the "Official" or "Undesignated" rate, i. e., shows a lower amount of United States money as equivalent to the peso) even though the substantial majority of products for export were on the regular or non-regular export list, subject to one or the other of the less favorable rates. Cases have been noted in which the exchange rate used in connection with payment for the merchandise differed from the rate used in connection with the payment for certain costs, charges, or expenses. It further appears that upon the export of products not of national (Argentine) origin or products manufactured with 50 percent or more of products not of national origin, the sale or surrender of the resulting foreign exchange may have been permitted or required at rates other than the rates for regular or non-regular exports.

However, the provisions which allowed such special or exceptional treatment are not sufficiently well-known, nor understood to be of sufficiently uniform application to classes of commodities, to warrant disposition different from the disposition authorized by the instructions set forth below.

In the case of any importation of merchandise exported from Argentina on or after March 27, 1941, in which appraisement has been withheld or liquidation suspended pending determination of a proper rate or rates for the Argentine peso for use for customs purposes the appraiser and collector shall proceed, respectively, with the appraisement and liquidation according to the following procedure, provided the requirements outlined below are complied with:

1. No rate of exchange shall be used for customs purposes under these instructions except a rate certified by the Federal Reserve Bank of New York for the date of exportation of the merchandise, unless there is a proclaimed value for Ar-

gentine currency which varies by less than 5 percent from the certified rate determined to be applicable to that merchandise in accordance with the numbered paragraphs below, in which case that proclaimed value shall be used as to that merchandise.

2. Where the appraisement is made in Argentine currency the appraiser shall designate in his report to the collector the class of currency in which appraisement is made by using the term "Official" pesos or "Undesignated" pesos, as the case may be, to identify the two types of currency for which the Federal Reserve Bank has certified rates.

3. For all purposes of appraisement and assessment of duties, the amount of any value established in pesos shall be considered to be in the class of currency, designated in the certifications of the Federal Reserve Bank of New York, in which, on the date of exportation of the particular merchandise, exchange of payment would be made under the exchange control provisions of the Argentine Government, as established to the satisfaction of the appraiser or collector, as the case may be, from information in his own files, information obtained and presented to him by the importer, or information obtained from other sources, and the rate certified for the class of currency in which such value has been established shall be used; except that:

(a) If the appraiser or collector has credible information that the "free market" rate of exchange or any other rate not certified by the Federal Reserve Bank of New York was used, or that the merchandise is not a product of national (Argentine) origin or is a product manufactured with materials less than 50 percent of national origin, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved exported to the United States during the period involved.

(b) If the appraiser or collector has credible information that the type or rate which would otherwise be applicable under this paragraph was not used uniformly during any period in connection with the payment for the particular merchandise on which duty is being assessed and all other merchandise of the same type, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved exported to the United States during the period involved.

(c) If the appraiser or collector has credible information that a rate different from the rate used in payment for the merchandise was used in payment of costs, charges, or expenses, the currency conversions for the exchange covering payment for the merchandise and for the exchange covering such costs, charges, or expenses shall be separately calculated according to the rules stated above, and in the event that either of such rates was a rate not certified by the Federal Reserve Bank appraisement shall be withheld and liquidation shall be suspended in accordance with paragraph (a) above.

Whenever appraisement is withheld or liquidation suspended a detailed report

shall be transmitted immediately to the Bureau of Customs.

When information regarding any of the Argentine currency conversion practices necessary to comply with the instructions contained herein is not available at a port other than New York, the appraiser or collector shall request the Customs Information Exchange, 201 Varick Street, New York 14, New York, to furnish such pertinent information as may be available.

It is realized that many cases may arise in which there is not available locally or through the Customs Information Exchange sufficient information to identify clearly the commodities which have been subject under Argentine law to each certified rate, or which have been changed from one certified rate to the other or given special exchange treatment. The appraiser or collector shall determine in each such case whether the facts warrant appraisement and liquidation in accordance with the instructions herein or whether action shall be suspended and a report submitted to the Bureau of Customs.

Since only the "Official" rate has been published by the Secretary of the Treasury during the period of dual-rate certification by the Federal Reserve Bank of New York, the "Undesignated" rate for dates prior to the issuance of these instructions will be published in a Customs Information Exchange circular in the near future. Following the issuance of these instructions both the "Official" and the "Undesignated" rates for the Argentine peso, as certified by the Federal Reserve Bank, will be published in the Treasury Decisions.

Where at the time of making entry or upon the acceptance of an amended entry information is presented to the collector or is in his possession which establishes to his satisfaction the rate for the particular importation in accordance with the pertinent requirements of these instructions, deposit of estimated duties or of supplemental estimated duties calculated in accordance with that information shall be accepted.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.). Prior to the issuance of the proposed instructions, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: January 29, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-1075; Filed, Feb. 5, 1948;
8:45 a. m.]

[19 CFR, Ch. II]

CONVERSION OF ITALIAN LIRE FOR PURPOSE
OF ASSESSMENT OF DUTY ON MERCHAN-
DISE IMPORTED INTO U. S.

NOTICE OF PROPOSED INSTRUCTIONS

Notice is hereby given that, pursuant to section 251 of the Revised Statutes and sections 522 and 624 of the Tariff Act of 1930 (19 U. S. C. 66, 31 U. S. C. 372, 19 U. S. C. 1624), it is proposed to issue instructions for the conversion of Italian lire for the purpose of the assessment of duties on merchandise imported into the United States, the terms of which proposed instructions, in tentative form, are as follows:

Reference is made to cases in which appraisement has been withheld or liquidation has been suspended pending the determination of the proper rate or rates for the Italian lira for customs purposes for dates of exportation since June 12, 1946 (see T. D. 51471, dated June 14, 1946), the last date for which a rate for the Italian lira certified pursuant to section 522 of the Tariff Act of 1930 (31 U. S. C. 372) was published in the weekly Treasury Decisions.

The Federal Reserve Bank of New York, acting under the authority of the said section 522, has certified two rates for the Italian lira, one designated as the "Official" rate and the other designated as the "Free" rate, during the period beginning June 13, 1946, and continuing to date. No values for the Italian currency have been estimated and proclaimed pursuant to said section for any period subsequent to the quarter beginning January 1, 1946.

Available information establishes that decrees and regulations of the Italian Government (Legislative Decree, March 26, 1946, No. 139; Ministerial Decree, April 13, 1946; Ministerial Decree, September 3, 1946; and Legislative Decree effective November 28, 1947; and regulations of the Italian Exchange Office for the enforcement of these decrees), governing the surrender of the foreign exchange proceeds of exports of merchandise from Italy, require that the exporter surrender to the Italian Exchange Office (Ufficio Italiano dei Cambi) the foreign exchange proceeds (which in the case of exports to the United States means United States dollars) for his exports of domestic Italian goods. In return the exporter receives the equivalent in lire at the "Official" rate of exchange of 50 percent of the foreign exchange so surrendered while the other 50 percent of the foreign currency is placed at the disposal of the exporter as a credit in the Bank of Italy or one of its agent banks. The foreign currency thus made available to the exporter may be used by him within prescribed time limits in payment for certain specified commodities imported into Italy or else such foreign currency credit may be sold by the exporter to another Italian citizen or corporation in Italy to be used by the latter under the same conditions as applied to the original exporter. If not so used within the prescribed time limits this 50 percent of the foreign currency proceeds of exports is required to be surrendered to the Italian Exchange Office by the exporter or

assignee for the equivalent in lire at the "Official" rate.

It is believed from available information that the system outlined in the last preceding paragraph has been applicable to exportations from Italy since June 12, 1946, except that during a portion of that time an exception existed with respect to cotton and woolen products. It is understood that the Italian Exchange Office, in printed letter No. 67 dated August 5, 1947, issued a regulation effective August 1, 1947, which provided in effect that only 25 percent of the foreign exchange obtained for cotton products was required to be surrendered to the foreign exchange office and that the remaining 75 percent could be disposed of by the exporter. Similar regulations with respect to woolen products were issued in printed letter No. 66, dated August 5, 1947, effective July 1, 1947. This special treatment of exports of cotton and woolen goods appears to have been terminated by the above-mentioned legislative decree effective November 28, 1947.

The "Official" rate certified by the Federal Reserve Bank of New York for the Italian lira corresponds to the rate received for the 50 percent of the foreign exchange derived from exports of merchandise and retained by the Italian Exchange Office. The "Free" rate, as certified, corresponds to the daily average of the rates at which settlement is made for the remaining 50 percent of the foreign currency credit which is transferred to other accounts.

In the case of any importation of merchandise exported from Italy on or after June 13, 1946, in which appraisement has been withheld or liquidation suspended pending determination of a proper rate or rates for the Italian lira for use for customs purposes, the appraiser and collector shall proceed, respectively, with the appraisement and liquidation according to the following procedure, subject to the requirements and conditions outlined below:

1. No rate of exchange shall be used for customs purposes under these instructions except a rate or rates certified by the Federal Reserve Bank of New York for the date of exportation of the merchandise, unless there is a proclaimed value for Italian currency which varies by less than 5 percent from any certified rate otherwise applicable. If there is a proclaimed value, it shall be used in lieu of any certified rate otherwise applicable from which such proclaimed value varies by less than 5 percent.

2. Where the appraisement is to be made in Italian currency the appraiser shall designate in his report to the collector the class or classes of currency in which appraisement is made by using the terms applied to the currency of Italy by the Federal Reserve Bank of New York, namely, "Official Lire" or "Free Lire", as the case may be. If both classes are used on a percentage basis, the percentage of each shall be indicated clearly.

3. For all purposes of appraisement and assessment of duties, the amount of any value established in lire shall be consid-

ered to consist of "Official Lire" to the extent of 50 percent of such amount and "Free Lire" to the extent of the remaining 50 percent; except that

(a) If the appraiser or collector has credible information that the merchandise is not domestic Italian goods, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved exported to the United States during the period involved.

(b) If the merchandise was a cotton product exported from Italy between August 1, 1947, and November 27, 1947, both inclusive, or was a woolen product exported from Italy between July 1, 1947, and November 27, 1947, both inclusive, the ratio of 25 percent "Official" and 75 percent "Free" shall be used in appraisement and liquidation pursuant to this paragraph, and

(c) If the appraiser or collector has credible information that the proportion of 50 percent at the "Official" rate and 50 percent at the "Free" rate or 25 percent at the "Official" rate and 75 percent at the "Free" rate, as the case may be, was not used uniformly during any period in connection with the payment for the particular merchandise on which duty is being assessed and for all other merchandise of the same type, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved exported to the United States during the period involved.

Whenever appraisement is withheld or liquidation suspended a detailed report shall be transmitted immediately to the Bureau of Customs.

It is understood that, since the certifications for the Italian lira must always await the receipt of information from abroad by the Federal Reserve Bank of New York, the certifications cannot be furnished to the Treasury Department in time for publication in the weekly Treasury Decisions for the same dates of exportation as the certifications of rates for other foreign currencies. The certified rates for the Italian currency for dates subsequent to the date of this Treasury decision will therefore be published in the weekly Treasury Decisions as soon as practicable after they become available. The certified rates which are available for all dates of exportation between June 13, 1946, and the date of this Treasury decision will be published by the Customs Information Exchange in a circular to be issued on or about the date of publication of this decision.

When information regarding any of the Italian currency conversion practices necessary to comply with the instructions contained herein is not available at a port other than New York the appraiser or collector shall request the Customs Information Exchange, 201 Varick Street, New York 14, New York, to furnish such pertinent information as may be available.

Where at the time of making entry or upon the acceptance of an amended entry of merchandise exported from Italy during the period of dual-rate certifications information is presented to the collector or is in his possession which estab-

lishes to his satisfaction the use of either the 50 percent "Official"—50 percent "Free" or 25 percent "Official"—75 percent "Free" exchange basis for the particular importation in accordance with pertinent instructions herein, deposit of estimated duties or of supplemental estimated duties calculated in accordance with that information shall be accepted.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Prior to the issuance of the proposed instructions, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: January 22, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-1077; Filed, Feb. 5, 1948;
8:46 a. m.]

Bureau of Internal Revenue [26 CFR, Part 113]

ISSUES AND TRANSFERS OF STOCKS AND BONDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791).

[SEAL] GEORGE J. SCHOENEMAN,
Commissioner of Internal Revenue.

In order to conform Regulations 71 (1941 Edition) (26 CFR, Part 113) to Public Law 387 (80th Congress, 1st Session), approved August 8, 1947, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 113.20 the following:

Public Law 387 (80th Cong., 1st sess.), approved August 8, 1947.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1802 (a) of the Internal Revenue Code is amended by deleting the period at the end of the next to the last sentence and inserting in lieu thereof the following: "Provided further, That where such certificates

(or shares, where no certificates are issued) are issued in a recapitalization, the tax payable shall be that proportion of the tax computed on such certificates or shares issued in the recapitalization with the amount dedicated as capital for the first time by the recapitalization, whether by a transfer of earned surplus or otherwise, bears to the total par value (or actual value if no par stock) of such certificates or shares issued in the recapitalization."

PAR. 2. Section 113.20 is amended by adding at the end thereof the following:

§ 113.20 Scope of tax. * * *

The tax also applies to shares of certificates issued in a recapitalization where the recapitalization results in the dedication of an amount as capital for the first time. However, in the case of shares or certificates so issued on or after August 8, 1947, the tax is subject to the limitation set forth in § 113.23 (e).

PAR. 3. Section 113.23 is amended by adding at the end thereof a new paragraph as follows:

§ 113.23 Rate and computation of tax. * * *

(e) *Stock issued on or after August 8, 1947, in a recapitalization.* Where stock is issued on or after August 8, 1947, in a recapitalization, the tax payable is that proportion of the total tax computed with respect to all the shares or certificates so issued that the amount dedicated as capital for the first time by the recapitalization, whether by a transfer of earned surplus or otherwise, bears to the total par value (or actual value if no par stock) of the shares or certificates so issued.

A tax is not payable with respect to stock issued in a recapitalization unless the recapitalization results in the dedication of an amount as capital which amount is so dedicated for the first time. Thus, where a corporation transferred an amount from capital to capital surplus in a prior recapitalization, and such corporation in a subsequent or second recapitalization transfers such amount from capital surplus to capital under such circumstances that the amount so restored to capital is clearly identifiable, a tax is not payable with respect to the amount so rededicated as capital. However, the tax is payable with respect to a transfer of capital surplus to capital by way of a recapitalization where the amount so transferred had not been previously dedicated as capital.

Where a recapitalization is effected in connection with, or as part of, some other transaction, for example—an original or an additional issue of stock; a merger; etc., the limitation of the tax payable to the proportion specified in this paragraph applies only to the stock issued in that part of the transaction which constitutes a recapitalization. Thus, where a corporation makes a change in its capital structure by replacing an issue of stock with another issue of stock and at the same time disposes of part of the new stock by sale to underwriters, the tax limitation is applicable only to that portion of the new stock which is issued in exchange for the old stock retired thereby. In such case, the portion of the new stock sold to the underwriters is taxable in its entirety without any adjustment on account of the recapitalization. Simi-

larly, where a corporation retires its preferred stock by issuing common stock in exchange therefor, and such exchange is made in connection with a merger in which the corporation issues common stock also to the former stockholders of the merged company, the tax limitation is applicable only to the common stock issued in exchange for the preferred stock, and the shares or certificates of common stock issued to the former stockholders of the merged company are subject to tax without any adjustment on account of the recapitalization.

PAR. 4. There is inserted immediately preceding § 113.30 the following:

Public Law 387 (80th Cong., 1st sess.), approved August 8, 1947.

Section 1802 (b) of the Internal Revenue Code is amended by inserting after the first proviso the following: "Provided further, That upon any transfer of an interest in a partnership owning shares or certificates of stock, the tax shall be limited to an amount equal to that percentage of a tax computed on the transfer of all of such shares or certificates of stock owned by the partnership as the interest transferred bears to the total interests in the partnership of all the partners."

Section 1802 (b) of the Internal Revenue Code is amended by inserting in the second proviso following the word "deposited" a comma and the words "nor upon mere loans of stock".

PAR. 5. Section 113.30 is amended by adding at the end thereof the following:

§ 113.30 Scope of tax. * * *

The tax also applies upon any transfer of an interest in a partnership owning shares or certificates of stock. However, in the case of the transfer of any such interest on or after August 8, 1947, the tax is subject to the limitation set forth in § 113.32 (d). The tax does not apply to the return of stock loaned nor, on or after August 8, 1947, upon mere loans of stock.

PAR. 6. Section 113.32 is amended by adding at the end thereof a new paragraph as follows:

§ 113.32 Rates and computation of tax. * * *

(d) *Interest in a partnership transferred on and after August 8, 1947.* The tax on the transfer on and after August 8, 1947, of an interest in a partnership owning shares or certificates of stock, is limited to an amount equal to that percentage of a tax computed on the transfer of all of such shares or certificates of stock owned by the partnership as the interest transferred bears to the total interests in the partnership of all the partners.

A tax would be payable upon the transfer by one or more of the partners of his or their interest or interests, either in whole or in part, in the partnership, to one or more of the remaining partners or to one or more new partners admitted to the partnership. However, the changing or variable interests of the partners as reflected in their respective partnership accounts, resulting from periodic or varying withdrawals of earnings, do not constitute a transfer of an interest in a partnership and no tax accrues as a result of such changes.

PAR. 7. Section 113.33, as amended by Treasury Decision 5202, approved December 17, 1942, is further amended by deleting therefrom paragraph (b) and by changing the designations of paragraphs (c) to (n), inclusive, to paragraphs (b) to (m), respectively.

PAR. 8. Section 113.35, as amended by Treasury Decision 5578, approved September 30, 1947, is further amended by deleting therefrom paragraph (b) and inserting in lieu thereof a new paragraph (b) as follows:

§ 113.35 *Specific exemptions provided in section 1802 (b).* * * *

(b) *Loans of stock and the return of stock loaned.* The tax does not apply to the return of stock loaned nor, on or after August 8, 1947, upon mere loans of stock; but the person making the loan of stock or returning such stock shall furnish and attach to the certificate an exemption certificate in substantially the form prescribed in paragraph (h).

PAR. 9. There is inserted immediately preceding § 113.60 the following:

Public Law 387 (80th Cong., 1st sess.), approved August 8, 1947.

Section 3481 (a) of the Internal Revenue Code is amended by inserting after "Provided" the following: "That upon any transfer of an interest in a partnership owning such instruments, the tax shall be limited to an amount equal to that percentage of a tax computed on the transfer of all of such instruments owned by the partnership as the interest transferred bears to the total interests in the partnership of all the partners: *Provided further,*"

PAR. 10. Section 113.60 is amended by adding at the end thereof the following:

§ 113.60 *Scope of tax.* * * *

The tax also applies upon any transfer of an interest in a partnership owning bonds. However, in the case of the transfer of any such interest on or after August 8, 1947, the tax is subject to the limitation set forth in § 113.62.

PAR. 11. Section 113.62 is amended by adding at the end thereof two new paragraphs as follows:

§ 113.62 *Rate and computation of tax.* * * *

The tax on the transfer on and after August 8, 1947, of an interest in a partnership owning bonds, is limited to an amount equal to that percentage of a tax computed on the transfer of all of such bonds owned by the partnership as the interest transferred bears to the total interests in the partnership of all the partners.

A tax would be payable upon the transfer by one or more of the partners of his or their interest or interests, either in whole or in part, in the partnership, to

one or more of the remaining partners or to one or more new partners admitted to the partnership. However, the changing or variable interests of the partners as reflected in their respective partnership accounts, resulting from periodic or varying withdrawals of earnings, do not constitute a transfer of an interest in a partnership and no tax accrues as a result of such changes.

PAR. 12. Section 113.63, as amended by Treasury Decision 5202 [26 CFR 113.63], is further amended by deleting therefrom the second sentence in the second paragraph and inserting in lieu thereof the following: "Loans of bonds including intra office borrowings and the return of bonds loaned are subject to the tax imposed under section 3481."

PAR. 13. Section 113.65, as amended by Treasury Decision 5202, is further amended by changing the second paragraph thereof to read as follows:

§ 113.65 *Specific exemptions provided in section 3481.* * * *

The mere loan of bonds and the return of bonds loaned are not exempt from the bond transfer tax. Hence, paragraph (b) of § 113.35 does not apply to bond transactions.

[F. R. Doc. 48-1076; Filed, Feb. 5, 1948; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER, AS AMENDED

Correction

In Federal Register Document 48-881, appearing at page 452 of the issue for Saturday, January 31, 1948, the proviso under paragraph 5 of the proposed amendment should be corrected by changing "Class IV-E" to "Class IV-B".

CIVIL AERONAUTICS BOARD

[14 CFR, Part 61]

SCHEDULED AIR CARRIER CLEARANCE NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Safety Bureau, notice is hereby given that the Bureau will propose to the Board an amendment of Part 61 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by sub-

mitting ~~such~~ written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Safety Bureau, Washington 25, D. C. All communications received by March 10, 1948, will be considered by the Board before taking further action on the proposed rule.

Section 61.71040 of the Civil Air Regulations presently provides that in clearing scheduled air carrier aircraft for flight the clearance form shall contain or have attached thereto all current weather reports over the airway or part thereof to be flown. The provisions of this section require a considerable number of unnecessary weather reports to be entered on or attached to the clearance form, especially in cases of long-distance flights.

The proposed amendment will enable flights over long distances to operate without requiring weather reports for each intermediate station between the point of departure and the destination. However, this amendment will require, regardless of the length of the flight, that sufficient weather information be furnished to the pilot to acquaint him with weather conditions to be encountered en route and such other reports and forecasts as are considered necessary or desirable by the pilot and dispatcher. Further, this amendment will require current weather reports and weather forecasts for the destination and alternates to be included or attached to the clearance prior to the dispatch of the flight.

It is proposed to amend Part 61 as follows:

1. By amending § 61.71040 to read as follows:

§ 61.71040 The clearance shall contain or have attached thereto current weather reports and weather forecasts for the destination and alternates specified therein, and such additional reports and forecasts as are considered necessary or desirable by the pilot and dispatcher to indicate to the pilot the various types of weather to be encountered en route.

2. By repealing § 61.71041.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601-610, 52 Stat. 984, 1007-1012; 49 U. S. C. 425 (a), 551-560)

Dated February 2, 1948, at Washington, D. C.

By the Safety Bureau.

[SEAL] JOHN M. CHAMBERLAIN,
Assistant Director (Regulations).

[F. R. Doc. 48-1093; Filed, Feb. 5, 1948; 8:48 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-889].

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF OPINION NO. 163 AND FINDINGS
AND ORDER ISSUING CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY AND DENYING
PETITION TO REOPEN PROCEEDING

FEBRUARY 3, 1948.

Notice is hereby given that, on February 2, 1948, the Federal Power Commission issued its Opinion No. 163 and findings and order entered January 30, 1948, issuing certificate of public convenience and necessity and denying petition to reopen proceeding in the above-designated matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-1089; Filed, Feb. 5, 1948;
8:47 a. m.]

[Docket No. G-955]

LA GLORIA CORP.

NOTICE OF FINDING UPON APPLICATION FOR
STATUS DETERMINATION

FEBRUARY 3, 1948.

Notice is hereby given that, on February 2, 1948, the Federal Power Commission issued its finding entered January 30, 1948, upon application for status determination, that the La Gloria Corporation will not be a "natural gas company" within the meaning of the Natural Gas Act.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-1088; Filed, Feb. 5, 1948;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1016]

CURTIS PUBLISHING CO.

FINDINGS AND ORDER GRANTING APPLICATION
FOR PERMISSION TO EXTEND UNLISTED
TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of February A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of The Curtis Publishing Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Ex-

change and Philadelphia Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange with respect to this security traded on the San Francisco Stock Exchange is Southern California and Arizona; that out of a total of 3,457,335 shares outstanding, 58,302 shares are owned by 487 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 945 transactions involving 100,058 shares from August 1, 1946 to July 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of The Curtis Publishing Company be, and the same is, hereby granted.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-1096; Filed, Feb. 5, 1948;
8:48 a. m.]

[File No. 7-1017]

AMERICAN ROLLING MILL CO.

FINDINGS AND ORDER GRANTING APPLICATION
FOR PERMISSION TO EXTEND UNLISTED
TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of February A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, \$10.00 Par Value, of The American Rolling Mill Company, 703 Curtis Street, Middletown, Ohio.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange is the States of California and Arizona; that out of a total of 3,241,315 shares outstanding, 180,807

shares are owned by 2,673 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 2,414 transactions involving 206,051 shares from August 1, 1946 to July 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, \$10.00 Par Value, of The American Rolling Mill Company be, and the same is, hereby granted.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-1095; Filed, Feb. 5, 1948;
8:48 a. m.]

[File Nos. 59-9, 53-134, 54-72, 59-66]

STANDARD POWER AND LIGHT CORP. ET AL
ORDER POSTPONING ANNUAL MEETING OF
STOCKHOLDERS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 2d day of February 1948.

In the matter of Standard Power and Light Corporation, Standard Gas and Electric Company, and subsidiary companies thereof, respondents, File No. 59-9; in the matter of Standard Gas and Electric Company, File Nos. 53-134, 54-72 and 59-66.

Hearings having been held before a hearing officer with respect to the issues raised by a declaration filed by Standard Gas and Electric Company ("Standard Gas"), pursuant to section 12 (e) of the Public Utility Holding Company Act of 1935, requesting authorization to solicit proxies in connection with its annual meeting of stockholders, originally scheduled to be held December 3, 1947; and

The Commission, by its order dated November 13, 1947 (Holding Company Act Release No. 7841), having postponed said annual meeting for a period of thirty days or such extended period as the Commission might find appropriate; and

The Commission, by its order dated December 29, 1947 (Holding Company Act Release No. 7963), having further postponed said annual meeting until February 4, 1948, or such extended period

as the Commission might find appropriate; and

Standard Gas having notified the Commission of its intention to amend the aforesaid declaration and to file revised proxy solicitation material and having suggested a further postponement of the said annual meeting until March 11, 1948; and

It appearing to the Commission that it is appropriate in the public interest and for the protection of investors and consumers that the said annual meeting of stockholders of Standard Gas be postponed until March 11, 1948, provided that such period might be extended if such action should likewise appear appropriate:

It is therefore ordered, That the annual meeting of stockholders of Standard Gas and Electric Company, originally scheduled to be held December 3, 1947, and heretofore postponed for a period of thirty days by order of the Commission, entered November 13, 1947, and subsequently postponed until February 4, 1948, by order of the Commission, entered December 29, 1947, be and is hereby further postponed until March 11, 1948: *Provided, however*, That such annual meeting may be further postponed by order of the Commission if such action is deemed appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-1097; Filed, Feb. 5, 1948;
8:49 a. m.]

[File Nos. 70-1656, 31-551]

WISCONSIN RIVER POWER CO. ET AL.

ORDER GRANTING APPLICATION, PERMITTING DECLARATION TO BECOME EFFECTIVE, AND PERMITTING WITHDRAWAL OF EXEMPTION APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of January 1948.

In the matter of Wisconsin River Power Company, Wisconsin Public Service Corporation, Wisconsin Power and Light Company, File No. 70-1656; in the matter of Wisconsin River Power Company, Wisconsin Public Service Corporation, Wisconsin Power and Light Corporation, Consolidated Water Power & Paper Company, File No. 31-551.

Wisconsin Public Service Corporation ("Public Service"), a subsidiary of Standard Power and Light Corporation and Standard Gas and Electric Company, both registered holding companies, and Wisconsin Power and Light Company ("Power and Light"), a subsidiary of The Middle West Corporation and North West Utilities Company, both registered holding companies, having filed a joint application and declaration and amendments thereto (File No. 70-1656) with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") and the rules and regulations promulgated thereunder, requesting approval of a proposal to acquire capital stock of a newly formed corporation,

Wisconsin River Power Company ("River Company") as part of a general program for the financing of said River Company, which general program further entails, inter alia, the issuance and sale at par by River Company to Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, of \$8,500,000 principal amount of 2½% First Mortgage Bonds maturing August 1, 1977, and said River Company having filed a "Supplemental Statement" thereto for the purpose of requesting all requisite authorizations, approvals or consents of this Commission under the act in respect to certain related transactions, and sections 6 (a), 9 (a), 10, 12 (b), 12 (c), 12 (f) and 12 (g) of the act and Rules U-42, U-43 and U-50 of the rules and regulations promulgated thereunder, having been designated by applicants-declarants as applicable to the proposed transactions; and

The aforesaid companies, jointly with each other and with Consolidated Water Power & Paper Company ("Consolidated"), also having filed an application with the Commission for various exemptions from the act pursuant to sections 2 (a) (7), 2 (a) (8), 3 (a) (1), 3 (a) (2) and 3 (a) (3) thereof, in connection with their proposed intercompany relationships (File No. 31-551); and

Applicants having formally moved for leave to withdraw the aforesaid application for various exemptions from the act pursuant to sections 2 (a) (7), 2 (a) (8), 3 (a) (1), 3 (a) (2) and 3 (a) (3) thereof, without prejudice to their right to renew it at any time hereafter; and

A public hearing having been held after appropriate notice and the Commission having considered the record and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and permit said declaration to become effective, and to grant the motion for withdrawal of the exemption application, and having made and filed its opinion herein:

It is ordered, Pursuant to the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 and further subject to the further condition that the stock purchase agreement and the power purchase contract be amended to conform to the requirements of the Wisconsin Public Service Commission as specified in its order dated January 26, 1948 that said application (File No. 70-1656) be and it hereby is granted, and that said declaration (File No. 70-1656) be and it is hereby permitted to become effective forthwith.

It is further ordered, That jurisdiction be, and hereby is reserved over the payment of all legal fees and expenses of all counsel in connection with the proposed transactions.

It is further ordered, That the motion made by applicants for leave to withdraw their application for exemptions (File No. 31-551) without prejudice to their right to renew it at any time hereafter, be, and the same hereby is, granted.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-1098; Filed, Feb. 5, 1948;
8:49 a. m.]

[File No. 70-1724]

INDIANA & MICHIGAN ELECTRIC CO.

NOTICE OF FILING APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of January A. D. 1948.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Indiana & Michigan Electric Company ("Indiana"), an electric utility subsidiary of American Gas & Electric Company ("American Gas"), a registered holding company. Applicant-declarant designates sections 6 and 7 of the act as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Indiana has entered into bank loan agreements with the Guaranty Trust Company of New York and Irving Trust Company, New York, pursuant to which each of said banks agrees to lend to Indiana \$3,000,000, or an aggregate amount of \$6,000,000. The proposed loans will be evidenced by promissory notes to be dated as of or prior to March 1, 1948. Said notes will mature two years after date and are to bear interest from the issue date at the rate of 1½ percent per annum. The agreement provides also that Indiana may prepay said loans in whole or in part at any time without payment of premium. It is further provided that Indiana may not have outstanding unsecured borrowings in excess of \$6,000,000 without the consent of the lending banks, except that in case of merger of Indiana with Indiana Service Corporation ("Indiana Service") the notes outstanding under the credit agreement entered into between certain banks and Indiana Service as of September 8, 1947, may continue under the terms of that agreement. It is also provided that the proceeds of any secured borrowings or equity financing will be applied pro rata toward the payment of the notes evidencing the loans herein proposed, or in case of merger of Indiana with Indiana Service, then in payment pro rata of the notes evidencing the loans herein proposed and of the notes outstanding under the Indiana Service credit agreement heretofore described.

The application-declaration states that the proceeds from the proposed loans will be used to enable Indiana to proceed with its construction program and that any plan for long term financing will provide for the payment of the then outstanding notes issued under the bank loan agreement.

Indiana states that the proposed transactions have been submitted for approval to the Public Service Commission of the State of Indiana, the State in which Indiana is organized and is doing business. Indiana further states that it will not request the approval of the Public Service Commission of the State of Michigan, in which State Indiana also does business, since the proposed transactions are ex-

empt under the laws of the State of Michigan.

It is requested that the Commission's order granting the application and permitting the declaration herein to become effective be issued prior to February 19, 1948 and that it shall be effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than February 16, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or any request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 16, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-1094; Filed, Feb. 5, 1948;
8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9693, Amdt.]

DEUTSCHE BANK

In re: Bank accounts, bonds, stock and arrears certificates owned by Deutsche Bank.

Vesting Order 9693, dated August 19, 1947, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the words and numbers due April 1, 1947" and "Deutsche Bank," set forth with respect to the \$1,000.00 Erie R. R. Ref. & Imp. 5% Bond, and substituting therefor the words and numbers "due April 1, 1975" and "Bearer" respectively.

All other provisions of said Vesting Order 9693 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL]

DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1123; Filed, Feb. 5, 1948;
8:53 a. m.]

[Vesting Order 10169]

JACOB H. MOLLER

In re: Estate of Jacob H. Moller, deceased. File D-19-406; E. T. sec. 11156.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eline Jensen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of \$2,889.01 was paid to the Attorney General of the United States by the Consul General of Denmark;

3. That the said sum of \$2,889.01 was accepted by the Attorney General of the United States on July 22, 1947, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of \$2,889.01 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

[SEAL]

DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1100; Filed, Feb. 5, 1948;
8:50 a. m.]

[Vesting Order 10276]

GRETCHEN FRANK

In re: Trust under the will of Gretchen Frank, deceased. File D-28-2206; E. T. sec. 3020.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Katzenstein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown of Paula Katzenstein, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of \$1,993.16 was paid to the Attorney General of the United States by the First Wisconsin Trust Company, Trustee, of the trust created under the will of Gretchen Frank, deceased;

4. That the sum of \$1,993.16 was accepted by the Attorney General of the United States on May 15, 1947, pursuant to the Trading with the Enemy Act, as amended;

5. That the said sum of \$1,993.16 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the person named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees, names unknown of Paula Katzenstein, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

[SEAL]

DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1101; Filed, Feb. 5, 1948;
8:50 a. m.]

[Vesting Order 10332]

JOHN JAEGER

In re: Estate of John Jaeger, deceased. File No. D-28-10853; E. T. sec. 15263.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elise Bloeckdonath, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of John Jaeger, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as depository, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1102; Filed, Feb. 5, 1948;
8:50 a. m.]

[Vesting Order 10454]

DINA RUPP

In re: Rights of Dina Rupp, also known as Christine Wilhelmine Eva Rupp under insurance contract. File No. F-28-22462-H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dina Rupp, also known as Christine Wilhelmine Eva Rupp, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 63896, issued by

The Ohio State Life Insurance Company, Columbus, Ohio, to Adolph C. Rupp, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1103; Filed, Feb. 5, 1948;
8:50 a. m.]

[Vesting Order 10455]

EMILIE STEYER

In re: Rights of Emilie Steyer nee Emilie Schonder under insurance contract. File No. F-28-28104-H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Steyer nee Emilie Schonder, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 66820468, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Emilie Steyer nee Emilie Schonder, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1104; Filed, Feb. 5, 1948;
8:50 a. m.]

[Vesting Order 10499]

WALTER WEBER

In re: Cash and bonds owned by Walter Weber. D-28-2591-G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Weber, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Cash in the amount of \$12,728.31, as of November 25, 1947, together with any and all accruals thereto, presently in the custody of South Texas Commercial National Bank, Houston, Texas, and held by said Bank for the account of Walter Weber,

b. One (1) City of Galveston, Texas, water and sewer extension 5% bond, due March 1, 1949, of \$500 face value, presently in the custody of South Texas Commercial National Bank, Houston, Texas, and held by said Bank for the account of Walter Weber, together with any and all rights thereunder and thereto,

c. One (1) Brazoria County, Texas, Road District #3 5% bond, due April 10, 1950, of \$1,000 face value, presently in the custody of South Texas Commercial National Bank, Houston, Texas, and held by said Bank for the account of Walter Weber, together with any and all rights thereunder and thereto, and

d. One (1) City of San Antonio, Texas, water revenue 5½% bond, due May 1, 1953, of \$1,000 face value, presently in the custody of South Texas Commercial National Bank, Houston, Texas, and held by said Bank for the account of Walter Weber, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1105; Filed, Feb. 5, 1948;
8:50 a. m.]

[Vesting Order 10508]

HENRY JACOBY

In re: Trust u/w of Henry Jacoby, deceased. File D-28-10373; E. T. sec. 14762.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adele Rosenthal, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the trust created under the will of Henry Jacoby, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Guarantee Bank and Trust Company, as successor trustee, acting under the judicial supervision of the Atlantic County Orphans' Court, Atlantic County, New Jersey;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1106; Filed, Feb. 5, 1948;
8:50 a. m.]

[Vesting Order 10517]

MARIA MUELLER

In re: Estate of Maria Mueller, deceased. File No. D-28-12127; E. T. sec. 16338.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Mueller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Maria Mueller, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John L. Geis, as administrator, acting under the judicial supervision of the Orphans' Court of Cambria County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1107; Filed, Feb. 5, 1948;
8:51 a. m.]

[Vesting Order 10518]

HENRY OTTEN

In re: Estate of Henry Otten, deceased. File D-28-11948; E. T. sec. 16119.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annegrette Otten, also known as Annegret Otten, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Henry Otten, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Oscar A. H. Dannenberg, Esq., as Administrator, acting under the judicial supervision of the Court of Probate, District of Bridgeport, State of Connecticut;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such persons be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1108; Filed, Feb. 5, 1948;
8:51 a. m.]

[Vesting Order 10520]

GUSTAV OTTO

In re: Estate of Gustav Otto, deceased. File No. D-28-9624; E. T. sec. 13326.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788 and pursuant to law, after investigation, it is hereby found:

1. That Walter Otto, Paul Otto, Bertha Scholz, Frieda Loderstadt, and Anna Bossenz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Gustav Otto, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Alfred P. Boyce and John Schussler, as co-executors, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1109; Filed, Feb. 5, 1948; 8:51 a. m.]

[Vesting Order 10521]

MAGDA PELLETIER

In re: Estate of Magda Pelletier, deceased. File No. D-28-12066, E. T. sec. 16267.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Müller, Else Möller, Johannes Möller and Maria Möller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Magda Pelletier, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William Frommling, as Executor, acting under the judicial supervision of the Surrogate's Court, Nassau County, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1110; Filed, Feb. 5, 1948; 8:51 a. m.]

[Vesting Order 10522]

JACOB FREDERICK RAU

In re: Estate of Jacob Frederick Rau, deceased. File D-28-6541; E. T. sec. 4608.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christine Eicher, Johann Michael Rau, Friederike Fricker, Gottlob Rau and Minna Rau, Executrix of the Estate of Karl Rau, deceased, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the legatees, distributees, heirs and next of kin, names unknown, of Karl Rau, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Jacob Frederick

Rau, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer of Dutchess County, Poughkeepsie, New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, Dutchess County, Poughkeepsie, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the legatees, distributees, heirs and next of kin, names unknown, of Karl Rau, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1111; Filed, Feb. 5, 1948; 8:51 a. m.]

[Vesting Order 10506]

ALBERT GRAF

In re: Estate of Albert Graf, deceased. File No. D-28-10524; E. T. sec. 14937.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Graf; Frieda Vogel, nee Graf; Hedwig Blume, nee Graf; Helene Kuslan, nee Graf; Karl Graf; Emma Szuba, nee Graf; Elisabeth Beichmann, nee Graf; Ewald Graf, and Margot Graf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Albert Graf, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John L. Diggs, as administrator, acting under the judicial supervision of the Probate Court for the County of Wayne, Michigan;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1112; Filed, Feb. 5, 1948; 8:51 a. m.]

[Vesting Order 10515]

ROBERT L. LEONARD

In re: Estate of Robert L. Leonard, deceased. File No. D-28-10076; E. T. sec. 14331.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martin Lewy, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Robert L. Leonard, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is on deposit with the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1113; Filed, Feb. 5, 1948; 8:51 a. m.]

[Vesting Order 10523]

KARL RECKNAGEL

In re: Estate of Karl Recknagel, deceased. File No. D-28-11942; E. T. sec. 16123.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Karnop (called Dora Gerlach in Will), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Karl Recknagel, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry A. Lovejoy, as executor, acting under the judicial supervision of the Suffolk County Probate Court, Massachusetts;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1114; Filed, Feb. 5, 1948; 8:52 a. m.]

[Vesting Order 10525]

AMELIA SCHAEFER

In re: Estate of Amelia Schaefer, deceased. D-28-12069, E. T. sec. 16263.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Therese Fischer, Sophie Koberlin, and Heinz Kuffner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Amelia Schaefer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Emma Worflar, and Emanuel Goldberg, as Executors, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1115; Filed, Feb. 5, 1948; 8:52 a. m.]

[Vesting Order 10526]

BETTY SCHMITT

In re: Estate of Betty Schmitt, deceased. File D-28-12168; E. T. sec. 16384.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Schmitt, Kathie Rodell, Gunter Schmitt and Walter Schmitt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

NOTICES

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Betty Schmitt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Margaretha K. Scheele, as Administratrix, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri; and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1116; Filed, Feb. 5, 1948;
8:52 a. m.]

[Vesting Order 10527]

MARGARETE SCHWOB AND IRMJARD SCHWOB

In re: Rights of Margarete Schwob and Irmjard Schwob under insurance contract. File No. D-28-2076-H-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Schwob and Irmjard Schwob, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 542078, issued by the Lincoln National Life Insurance Company, Fort Wayne, Indiana, to Henry Schwob, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

Claimant and claim No.	Notice of intention to return published	Property
Millicent Drake, Haverford, Pa.; claim No. 3861.	Dec. 23, 1947 (12 F. R. 8730).	\$15,948.67 in the Treasury of the United States, 5 shares Norfolk & Western Ry. adjustment Preferred, valued at \$600, and 7 shares Union Pacific Railroad preferred, valued at \$897 in the Federal Reserve Bank of New York. 3 paintings and 21 pieces of jewelry held for safekeeping by the Office of Alien Property.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 30, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-1124; Filed, Feb. 5, 1948;
8:53 a. m.]

[Vesting Order 10529]

PAULINE SCHUH

In re: Estate of Pauline Schuh, also known as Paulina Schuh, deceased. File D-28-12136; E. T. sec. 16341.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julia Eisele, Franz Doll, Adolf Doll, Eugenia Doll Ampzler, Joseph Doll, Alphonse Doll, Adelheid Kreutle, and Clara Brenner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them in and to the estate of Pauline Schuh, also known as Paulina Schuh, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Catherine M. Streubert and Adelheid Eisele, as administratrices, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1117; Filed, Feb. 5, 1948;
8:52 a. m.]

[Return Order 89]

MILICENT DRAKE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1118; Filed, Feb. 5, 1948;
8:52 a. m.]

[Return Order 90]

FRANZ VASARHELYI

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Franz Vasarhelyi; New York, N. Y.; A-444.	Dec. 23, 1947 (12 F. R. 8730).	Property described in Vesting Order No. 201, dated Oct. 2, 1942 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent No. 2,238,836. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 30, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-1125; Filed, Feb. 5, 1948; 8:53 a. m.]

[Vesting Order 10541]

TSUNEO AND MASAO IMANISHI

In re: Real property, household furnishings, property insurance policies and bank accounts owned by Tsuneo Imanishi and Masao Imanishi.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsuneo Imanishi and Masao Imanishi, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property, situated in the City and County of Los Angeles, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All that personal property, consisting of household furnishings, located on the premises known as 965 South Catalina Street, Los Angeles, California, and described in Exhibit B, attached hereto and by reference made a part hereof,

c. All right, title, and interest of Tsuneo Imanishi and Masao Imanishi, in and to the following insurance policies:

Policy No. D-410449, issued by The Employers' Fire Insurance Company, Boston, Massachusetts, in the amount of \$4,200.00, which policy insures the property described in subparagraph 2-a hereof,

Policy No. D-787, issued by the Milwaukee Mechanics' Insurance Company, Milwaukee, Wisconsin, in the amount of \$1,000.00, which policy insures the household furnishings described in subparagraph 2-b hereof,

d. That certain debt or obligation, owing to Tsuneo Imanishi and Masao Imanishi, by Security-First National Bank of Los Angeles, Los Angeles, California, arising out of a Commercial Account entitled "Tsuneo or Masao Imanishi", maintained at the Highland & Hollywood Branch of the aforesaid Bank located at 6777 Hollywood Boulevard, Los Angeles, California,

and any and all rights to demand, enforce and collect the same,

e. That certain debt or obligation, owing to Tsuneo Imanishi and Masao Imanishi, by Security-First National Bank of Los Angeles, Los Angeles, California, arising out of Savings Account No. 274600, entitled "Tsuneo or Masao Imanishi", maintained at the Highland & Hollywood Branch of the aforesaid Bank located at 6777 Hollywood Boulevard, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

f. That certain debt or obligation, owing to Tsuneo Imanishi and Masao Imanishi, by Security-First National Bank of Los Angeles, Los Angeles, California, arising out of Savings Account No. 13444, entitled "Tsuneo or Masao Imanishi", maintained at the Santa Monica & Fairfax Branch of the aforesaid Bank located at 7900 Santa Monica Boulevard, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b to 2-f hereof, inclusive,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Real property situated in the City of Los Angeles, County of Los Angeles, State of California, described as follows:

Lot 6 in Block 4 of Electric Railway Home-Stein Association, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 14, pages 27 and 28, of Miscellaneous Records in the office of the County Recorder of said County.

EXHIBIT B

Inventory of furnishings located on premises at 965 South Catalina Street, Los Angeles, California.

Living room:

- 1 rug, mulberry color.
- 1 2-piece overstuffed set.
- 1 overstuffed Mohair chair.
- 1 refectory table.
- 1 magazine end table.
- 1 glass-top coffee table.
- 1 combination smoking and magazine table.
- 2 sofa pillows.
- 1 reflector floor lamp.
- 4 pair drapes, rose color.
- 10 pair net panel curtains.
- 1 picture.
- 1 smoking stand.

Dining room:

- 1 rug, green color.
- 3 pair drapes, Monk's cloth.
- 4 net panel curtains.
- 1 dining room leaf-table.
- 6 dining room chairs.
- 1 buffet.
- 1 china cabinet.
- 1 RCA Victor combination radio-phonograph.
- 4 white-framed pictures.

South bedroom:

- 1 rug, brown color.
- 1 pair metal beds, brown.
- 1 pair coil springs.
- 1 pair mattresses.
- 1 dresser, white.
- 1 desk, white.
- 1 mahogany desk table cabinet.

North bedroom:

- 1 rug, blue color.
- 1 pair twin-beds.
- 1 dressing table and stool.
- 1 chiffarobe.
- 1 stool, leather.
- 1 tile-top coffee table.
- 2 pair coil springs and mattresses.
- 1 bed lamp.
- 1 throw rug.
- 3 pair tie-back curtains, blue marquisette.
- 2 glass wall lamps.

Breakfast room:

- 1 table, walnut, with extra leaf.
- 4 chairs, walnut.
- 2 pair tie-back curtains, white and blue trim.
- 1 corner cabinet.

Den:

- 1 rug, green color.
- 1 overstuffed davenport.
- 1 occasional chair.
- 1 magazine rack, white.
- 1 magazine end table, white.
- 1 white-framed picture.
- 3 drapes, brown.
- 4 net panel curtains.
- 1 pair portieres, mulberry damask.
- 1 waste basket.
- 1 scarf rug.
- 2 blonde-wood lamp tables.

Bathroom:

- 1 shower curtain, white canvas.

Kitchen:

- 1 Servel Electrolux refrigerator.
- 1 Gaffers & Sattler gas range, white and blue trim porcelain.
- 1 pair curtains.
- 1 table, white.
- 1 Tidy Maid carpet sweeper.

[F. R. Doc. 48-1120; Filed, Feb. 5, 1948; 8:52 a. m.]

MARGARET BRULL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to

return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and location
Margaret Brull, nee Schonberger, Budapest, Hungary.	6825	\$12,218.58 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Margaret Brull, in and to the estate of Geza Szasz, deceased.

Executed at Washington, D. C., on January 30, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-1126; Filed, Feb. 5, 1948;
8:53 a. m.]

[Vesting Order 10542]

MOJIRO AND MIYO MIYAKE KUSABA

In re: Leasehold estate and a property insurance policy owned by Mojiro Kusaba, and Miyo Miyake Kusaba, also known as Miyo Miyaki and as Miyo Miyaka Kusaba, and a bank account owned by Miyo Miyake Kusaba, also known as Miyo Miyaki and as Miyo Miyaka Kusaba.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mojiro Kusaba, and Miyo Miyake Kusaba, also known as Miyo Miyaki and as Miyo Miyaka Kusaba, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. A leasehold estate in real property, situated in Kapaakea, Kamoiliili, Honolulu, City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, created under and by virtue of a lease executed

July 11, 1930, by and between Keanu Mahoe Kopa, Lessor, and Miyo Miyaki and Mojiro Kusaba, Lessees, which Lease is recorded in the Bureau of Conveyances, Honolulu, Territory of Hawaii, in Liber 1073, at Pages 37-41, and

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to Fire Insurance Policy No. 1944632, expiring March 6, 1949, issued by Guardian Assurance Company, Limited, 68 King William Street, London, E. C. 4, England, insuring the real property particularly described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mojiro Kusaba, and Miyo Miyake Kusaba, also known as Miyo Miyaki and as Miyo Miyaka Kusaba, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or obligation owing to Miyo Miyake Kusaba, also known as Miyo Miyaki and as Miyo Miyaka Kusaba, by Bank of Hawaii, King and Bishop Streets, Honolulu, Territory of Hawaii, arising out of a checking account, entitled "Miyo Miyake Kusaba", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Miyo Miyake Kusaba, also known as Miyo Miyaki and as Miyo Miyaka Kusaba, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a, 2-b and 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain piece of land situated at Kapaakea, Kamoiliili, Honolulu, City and County of Honolulu, Territory of Hawaii, the same being a portion of the land described in Land Commission Award Number 1267, Royal Patent Number 2565, Apana 3, to Kawela, and thus bounded and described:

Beginning at the South corner of this piece of land, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Kamoiliili" being 180.49 feet North and 609.56 feet West, and running by true azimuths from the above described initial point:

1. 144°35' 191.03 feet along fence along L. C. A. 1275 to Mookini;
2. 262°35' 76.55 feet along road to Quarry;
3. 318°47' 145.00 feet along fence along remainder of L. C. A. 1267, R. P. 2565, Apana 3 to Kawela;
4. 47°03' 83.00 feet along fence along L. C. A. 1816, Apana 1, to Kaaha to the Point of beginning and containing an area of 12,473.0 square feet;

Reserving, however, from the land hereby demised, any portion or portions taken by the government for road purposes or otherwise.

[F. R. Doc. 48-1121; Filed, Feb. 5, 1948;
8:53 a. m.]